

Michigan Register

Issue No. 12– 2002 (Published July 15, 2002)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 12 — 2002

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John Engler, Governor



Dick Posthumus, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.

- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
- (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
- (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
- (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Executive Office, George W. Romney Building, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$110.00 per year. Submit subscription requests to: DMB, Office of Administrative Services, P.O. Box 30026, 320 South Walnut Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform (517) 373-0526.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: www.state.mi.us/orr

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director
Office of Regulatory Reform

2002 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
2002		
1	January 15, 2002	February 1, 2002
2	February 1, 2002	February 15, 2002
3	February 15, 2002	March 1, 2002
4	March 1, 2002	March 15, 2002
5	March 15, 2002	April 1, 2002
6	April 1, 2002	April 15, 2002
7	April 15, 2002	May 1, 2002
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19	October 15, 2002	November 1, 2002
20	November 1, 2002	November 15, 2002
21	November 15, 2002	December 1, 2002
22	December 1, 2002	December 15, 2002
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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

ORR # 2001-039

DEPARTMENT OF NATURAL RESOURCES

WILDLIFE DIVISION

ENDANGERED AND THREATENED SPECIES

Filed with the secretary of state on June 10, 2002.

This rule takes effect 7 days after filing with the secretary of state

(By authority conferred on the department of natural resources by section 36503 of 1994 PA 451, MCL 324.36503)

R 299.1027 of the Michigan Administrative Code is amended as follows:

R 299.1027 Mammals.

Rule 7. (1) The following species of mammals are included on the state list of endangered species:

- (A) *Felis concolor* Linnaeus Cougar
- (B) *Lynx canadensis* Kerr Lynx
- (C) *Microtus ochrogaster* (Wagner) Prairie vole
- (D) *Myotis sodalis* Miller and Allen Indiana bat

(2) The following species of mammals are included on the state list of threatened species:

- (A) *Canis lupus* Linnaeus Gray wolf
- (B) *Cryptotis parva* (Say) Least shrew

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

ORR # 1995-002

FAMILY INDEPENDENCE AGENCY

COMMISSION FOR THE BLIND

VENDING FACILITY PROGRAM

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the Family Independence Agency by section 33 of Act No. 306 of the Public Acts of 1969, as amended, and sections 1, 5, and 16 of Act No. 260 of the Public Acts of 1978, as amended, being §24.233, 393.351, 393.355, and 393.366 of the Michigan Compiled Laws)

R 393.101 Definitions. RESCINDED

Rule 1. As used in these rules:

- ~~(a) "Blind person" means an individual who has a visual acuity of 20/200 or less in the better eye with correction, or has a limitation of his or her field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees, as determined by the commission.~~
- ~~(b) "Commission" means commission for the blind.~~
- ~~(c) "Committee" means that group of members which is elected to represent all vending facility operators and which is created pursuant to R 393.110.~~
- ~~(d) "Federal properties" means any building, land, or other real property owned, leased, or occupied by any department, agency, or instrumentality of the United States, including the department of defense and the United States postal service, or any other instrumentality wholly owned by the United States.~~
- ~~(e) "Hearings office" means the office within the department charged with the responsibility of conducting fair and impartial hearings.~~
- ~~(f) "Hearings officer" means a person designated to conduct hearings and issue proposed decisions on behalf of the commission pursuant to Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. Of the Michigan Compiled Laws.~~
- ~~(g) "Initial stock" means any merchandise necessary for establishing an operator in a vending facility.~~
- ~~(h) "License" means a written instrument which is issued by the commission to a blind person and which authorizes such person to operate a vending facility on federal, state, or other property.~~
- ~~(i) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by operators. It does not include those services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.~~
- ~~(j) "Net proceeds" means the amount remaining from the sale of articles or services of a vending facility and any vending machine or other income accruing to operators after deducting the cost of such sale and other expenses and excluding set aside charges required to be paid by operators.~~
- ~~(k) "Operating costs" means costs of all of the following:~~

- ~~(i) Products sold.~~
- ~~(ii) Employees' wages, taxes, and compensation.~~
- ~~(iii) Operator's portion of repair.~~
- ~~(iv) Sales tax.~~
- ~~(v) Operating insurance.~~
- ~~(vi) Supplies.~~
- ~~(vii) Telephone.~~
- ~~(viii) Renting or leasing of commission approved equipment or location.~~
- ~~(l) "Operator" means a blind person licensed by the commission to operate an assigned vending facility.~~
- ~~(m) "Other property" means property which is not mandated by state or federal law and on which vending facilities are established or operated through the use of any funds derived, in whole or in part, directly or indirectly, from the operation of vending facilities on any state or federal property.~~
- ~~(n) "Permit" means the official approval or authority given the commission by a department, agency, or instrumentality in control of the maintenance, operation, and protection of federal property or by a person in control of other property which authorizes the commission to establish a vending facility.~~
- ~~(o) "Program" means all the activities of the commission related to vending facilities on federal, state, and other properties.~~
- ~~(p) "Set aside funds" means funds which accrue to the commission from an assessment against the net proceeds of each vending facility in the state's program and unassigned income from vending machines on federal, state, and other properties which accrues to the commission.~~
- ~~(q) "State property" means any concession in any building or on any property owned or occupied by the state, except for any concession operated in connection with any of the following:~~
 - ~~(i) The state fair.~~
 - ~~(ii) The use of state fair grounds.~~
 - ~~(iii) Any state educational institution.~~
 - ~~(iv) State penal institution.~~
 - ~~(v) Military establishments and armories.~~
 - ~~(vi) Any state park.~~
- ~~(r) "Vending facility" means an automatic vending machine, cafeteria, snack bar, cart service, shelter, counter, or any other appropriate auxiliary equipment as the commission may prescribe by rule as being necessary for the sale of articles or services described in Act No. 260 of the Public Acts of 1978, as amended, being S393.351 et seq. of the Michigan Compiled Laws, and which may be operated by a blind licensee.~~

R 393.102 Program administration. RESCINDED

~~Rule 2. The commission, with the active participation of the committee, shall administer a vending facility program for the blind on federal, state, and other properties. These rules are intended to enable the commission to carry out its full responsibility under Act No. 260 of the Public Acts of 1978, as amended, being S393.351 et seq. of the Michigan Compiled Laws.~~

R 393.103 Licenses; eligibility requirements; duration; temporary suspension; termination. RESCINDED

~~Rule 3. (1) Licenses shall be issued only to persons who, as determined by the commission, meet all of the following requirements:~~

- ~~(a) Are blind, as certified by a licensed ophthalmologist or optometrist.~~
- ~~(b) Are not less than 18 years of age.~~

- ~~(c) Are certified by the commission as qualified to operate a vending facility.~~
- ~~(d) Are citizens of the United States.~~
- ~~(2) Licenses shall be issued for an indefinite period of time, but are subject to temporary suspension and termination, for cause, in those circumstances where the vending facility is not operated in accordance with the commission's rules and policies, the terms and conditions of the permit, or the agreement with the operator.~~
- ~~(3) Before temporarily suspending or revoking a license, the commission shall do all of the following:~~
 - ~~(a) Issue a written notice stating facts or conduct that constitutes alleged violations.~~
 - ~~(b) Provide an informal opportunity to show compliance with licensing requirements.~~
 - ~~(c) If within 30 days there is no compliance, issue a notice of hearing and insert in the notice the language "commencing proceedings."~~
 - ~~(d) Cause an evidentiary hearing.~~
 - ~~(e) Consider the proposed decision rendered by the hearings officer.~~
 - ~~(f) Issue a final decision as rendered by a majority of the commissioners.~~
 - ~~(g) If the final decision is to revoke or suspend an operator's license, advise the operator of his or her right to seek a remedy through an ad hoc arbitration panel as authorized by the provisions of 34 C.F.R. S395.13 (July 1, 1981). The operator shall have 15 working days from the date of the mailing of the final agency decision to file, in writing, for ad hoc arbitration.~~
 - ~~(h) Advise the operator that the decision of the ad hoc arbitration panel is final and binding on the parties, except that the decision is subject to appeal and judicial review as a final agency action for purposes of the provisions of the government organization and employees act, 5 U.S.C. chapter 7.~~
- ~~(4) If the agency finds that the public health, safety or welfare requires emergency action and incorporates this finding in its order, summary suspension of a license may be ordered effective on the date specified in the order or on service of a certified copy of the order on the licensee, whichever is later, and effective during the proceedings. The proceedings shall be promptly commenced and determined.~~
- ~~(5) A license issued to a blind person for the operation of a vending facility on federal, state, or other property may be terminated on the basis of an operator's improved vision which no longer meets the requirement of R 393.101(a), voluntary withdrawal from the program, or extended illness with medically documented diagnosis of prolonged incapacity of the operator to operate the vending facility in a manner consistent with the needs of the location or other available locations in the vending facility program.~~
- ~~(6) Before termination of a license issued under subrule (5) of this rule, the commission shall do all of the following:~~
 - ~~(a) Issue a written notice stating facts which constitute alleged improvement of vision or illness.~~
 - ~~(b) Provide an informal opportunity to show the state of vision or illness.~~
 - ~~(c) If the state of vision or illness is still under dispute, issue a notice of hearing and insert in the notice the language "commencing proceedings."~~
 - ~~(d) Cause an evidentiary hearing.~~
 - ~~(e) Consider the proposed decision rendered by the hearings officer.~~
 - ~~(f) Issue a final decision as rendered by a majority of the commissioners.~~
 - ~~(g) If the final agency decision is to revoke or suspend an operator's license, advise the operator of his or her right to seek a remedy through an ad hoc arbitration panel as authorized by the provisions of 34 C.F.R. S395.13 (July 1, 1981). The operator has 15 working days from the date of the mailing of the final agency decision to file, in writing, for ad hoc arbitration.~~
 - ~~(h) Advise the operator that the decision of the ad hoc arbitration panel is final and binding on the parties, except that the decision is subject to appeal and judicial review as a final agency action for purposes of the provisions of the government organization and employees act, 5 U.S.C. chapter 7.~~

~~(7) An operator returning from extended sick leave shall submit a medically documented statement establishing that the operator is able to return to work. The operator is then subject to the same bidding procedure as potential operators.~~

R 393.104 Vending machine income; disbursement; use. RESCINDED

~~Rule 4. (1) Income from vending machines on federal properties shall be disbursed to the assigned operators on a quarterly basis after the deduction of the set aside fee in the agreement with the operator. Disbursed income shall not exceed the average net income of the total number of blind operators in the state as determined each fiscal year on the basis of each prior year's operation, except that vending machine income shall not accrue to any operator in any amount exceeding the average net income of the total number of operators in the United States. No limitations shall be imposed on income from vending machines on federal property which is combined to create a vending facility when such facility is maintained, serviced, or operated by a blind operator.~~

~~(2) Income from vending machines on federal properties which is not assigned to an operator may be used for the establishment and maintenance of retirement or pension plans, for health insurance contributions, and or paid sick leave and vacation time for operators in the state program, if it is so determined by a majority vote of the blind operators licensed in the state program. Any vending machine income from federal properties that is not necessary for purposes of this subrule shall be placed in the set aside funds.~~

~~(3) Income from vending machines on state or other properties may be assigned to a licensed operator of a vending facility in close proximity.~~

~~(4) Income from unassigned vending machines on state and other properties may be utilized for the purpose of insuring a licensed operator's loss in merchandise due to theft or equipment failure, upon receiving supporting documentation of such loss. Any vending machine income from state and other properties that is not necessary for the purpose of this subrule shall be placed in the set aside funds.~~

R 393.105 Commission responsibilities; right and title to interest in equipment. RESCINDED

~~Rule 5. (1) The commission shall do all of the following:~~

~~(a) Determine the equipment needs of each vending facility and furnish each vending facility with adequate equipment suitable to the needs of the location.~~

~~(b) Maintain, or cause to be maintained, all vending facility equipment in good repair and attractive condition, and replace, or cause to be replaced, worn out or obsolete equipment as required to assure the continued and successful operation of the facility.~~

~~(c) Furnish the licensed vending facility with an initial merchandise inventory in an amount which is determined in consultation with the vending facility operator. The vending facility operator shall sell only the types of items stated in the permit with the building grantor and the operator's agreement with the commission.~~

~~(d) Furnish each operator with a copy of these rules and a description of the arrangements for providing services to the operator.~~

~~(e) Provide financial information to operators quarterly and on a fiscal year basis.~~

~~(f) Take adequate steps to inform each operator of the provisions of these rules and the provisions of the permit and any agreement under which the operator operates, including his or her rights and responsibilities as evidenced by the signed agreement.~~

~~(2) The title to the equipment in each vending facility shall be and shall remain in the state of Michigan, except that equipment determined to be no longer needed in the vending facility program may be reassigned to blind individuals outside of the vending facility program. Title to the reassigned equipment shall then be determined according to the procedures set forth in the independent business programs of the commission.~~

R 393.106 Operator fees. RESCINDED

~~Rule 6. (1) A uniform set aside fee based upon net proceeds shall be paid by each vending facility operator. This fee shall be fixed by the commission with the active participation of the committee. The fee shall be designed to prevent, so far as practicable, a greater charge for any purpose than is reasonably required, with allowance for reserves. Any changes in the set aside fees shall be submitted to the commissioner of the United States rehabilitation services administration for prior approval and shall be embodied in the written agreement with the operator.~~

~~Such fees are to be credited to the vending facilities' set aside for the following purposes only:~~

- ~~(a) Maintenance and replacement of equipment.~~
- ~~(b) The purchase of new equipment.~~
- ~~(c) Management services.~~
- ~~(d) Assuring a fair minimum return to operators.~~
- ~~(e) The establishment and maintenance of retirement or pension funds, health insurance contributions, and providing for paid sick leave and vacation time, if it is so determined by a majority vote of the operators licensed by the commission.~~
- ~~(2) The proceeds of the operation of each vending facility shall accrue to the operator after the operator has paid the operating costs and the set aside fee.~~

R 393.107 Operator obligations. RESCINDED

~~Rule 7. Each operator shall agree to do all of the following:~~

- ~~(a) Perform, to the best of his or her ability, the necessary duties in connection with the vending facility in accordance with the commission's rules and procedures, the terms of the permit, and the agreement with the operator and otherwise abide by the rules of the commission.~~
- ~~(b) Take no action in derogation of, or inconsistent with, the title of the state of Michigan to the vending facility equipment.~~
- ~~(c) Obtain and maintain a general comprehensive liability insurance policy and, if the operator hires employees, obtain and maintain workers' disability compensation coverage.~~
- ~~(d) Admit duly authorized representatives of the commission to the vending facility and cooperate with them in connection with their official duties and responsibilities.~~
- ~~(e) Operate the vending facility in accordance with all applicable health laws and rules.~~
- ~~(f) Furnish such reports as the commission may require from time to time.~~
- ~~(g) Sell only those types of merchandise itemized in the agreement signed by the operator and the commission.~~
- ~~(h) Pay for all merchandise purchased within the terms of credit policies of suppliers.~~
- ~~(i) Obtain approval of the commission, except in emergencies, before employing assistants within the guidelines contained in the procedure manual used by the agency.~~
- ~~(j) Conform to the hours of operation as fixed by the commission, after consultation with the operator and the agency having charge of the property.~~
- ~~(k) Participate in the in-service training programs provided.~~
- ~~(l) Make payment of the set aside fee by the due date.~~

R 393.108 Operator assistance and training. RESCINDED

~~Rule 8. In order that each operator shall be assured the maximum financial return and that employment opportunities for successive blind persons may be preserved, each operator shall receive reasonable systematic assistance and in-service training in all of the following areas:~~

- ~~(a) The keeping of accounts.~~

- ~~(b) The selection and purchase of suitable merchandise.~~
- ~~(c) The maintenance of a clean and attractive location.~~
- ~~(d) The proper cleaning, maintenance, and sanitation of equipment.~~
- ~~(e) The utilization of sound business practices and methods. This assurance shall include upward mobility training for all blind licensees, including further education and additional training or retraining for improved work opportunities.~~

~~R 393.109 Operator promotions and demotions. RESCINDED~~

~~Rule 9. (1) An operator may be promoted to a more profitable vending facility when such vending facility becomes available. To be promoted, the operator shall bid on the facility, be willing to relocate, and be qualified. Qualification factors shall include certification to operate the specific type of facility, evaluation of past performance, and seniority. When all factors are equal, seniority shall prevail. Promotion procedures shall be uniformly applied and developed with the active participation of the committee.~~

~~(2) When an operator has demonstrated an inability to operate the present vending facility under uniformly applied program standards, developed with the active participation of the committee, the operator may be demoted or transferred to another vending facility which the operator is considered qualified to operate, if such a facility is available. If such a facility is not available, the operator shall be removed from the present facility and the operator's name shall be placed on the potential operator's list until such a facility is available. Demotion and transfer or removal of an operator shall conform to the procedures outlined in R 393.112 and R 393.113, thus protecting the operator's right of due process.~~

~~R 393.110 Committee; creation; powers and duties. RESCINDED~~

~~Rule 10. (1) The committee shall consist of 11 members elected by the operators. The members shall serve for a period of 2 years, except that 5 initial members shall serve for 1 year and 6 initial members shall serve for 2 years. Thereafter, all members shall be elected for 2 year terms. A quorum of the committee shall annually elect, by a majority vote, 1 of its members to serve as chairperson. Committee members shall be operators.~~

~~(2) The committee shall do all of the following:~~

- ~~(a) Meet not less than 4 times annually at places designated by the committee.~~
- ~~(b) Actively participate with the commission in major administrative decisions and policy and program development decisions affecting the overall administration of the state's vending facility program.~~
- ~~(c) At the request of the operators, receive and transmit grievances to the commission and serve as an advocate for such operators in connection with such grievances.~~
- ~~(d) Actively participate with the commission in the development and administration of a state system for the transfer and promotion of operators.~~
- ~~(e) Actively participate with the commission in the development of training and retraining programs for operators.~~
- ~~(f) Sponsor, with the assistance of the commission, meetings and instructional conferences for operators within the state.~~
- ~~(g) Between regular meetings, carry on its duties through subcommittees or individual members designed by it.~~
- ~~(h) Receive advance written notice from the commission of matters within the committee's purview that are being considered for decision. In the event of an emergency, this subdivision may be waived by the commission.~~
- ~~(i) Initiate matters for consideration by the commission, and advise interested parties regarding the state's vending facilities program.~~

~~(3) The commission shall have the ultimate responsibility for administering the state vending program and may reject the recommendations of the committee. In the event of such rejection, the commission shall notify the~~

~~committee, in writing, within 15 working days of the commission's decision, informing the committee why the recommendation was rejected.~~

R 393.111 Committee election and representation. RESCINDED

~~Rule 11. The commission shall conduct the annual election of the members of the committee. The committee shall be fully representative of all operators in the program on the basis of such factors as geography and vending facility type with a goal of providing for proportional representation of operators on federal, state, and other property.~~

R 393.112 Administrative review. RESCINDED

~~Rule 12. (1) The purpose of an administrative review is to provide an informal procedure to enable an operator to seek a remedy for dissatisfaction with an action of the commission arising from the operation or administration of the vending facility program that does not directly involve suspension and termination of an operator's license. The commission shall make every effort to resolve operator complaints at the administrative review level, since the resolution of disputes at the earliest possible time is mutually advantageous to all parties concerned. Such efforts are not intended to discourage or interfere with the operator's rights to pursue the formal full evidentiary hearing process. An operator may request in writing an administrative review within 15 working days from the date of the mailing or the receipt of the commission action sought to be reviewed. This review shall only be made by a member or members of the administrative staff of the commission who have not in any way participated in the commission action in question.~~

~~(2) The administrative review shall be held at a time and place convenient to the operator requesting such review. The administrative review shall be held during regular commission working hours at a district or local office location. An administrative review shall be conducted within 15 working days of receipt by the commission of such a written request.~~

~~(3) Transportation, reader service, or other communication services, if needed, shall be arranged for the operator by the commission.~~

~~(4) Written requests for the administrative review and actions and decisions resulting from the review shall be maintained as part of the official record of the administrative review process.~~

~~(5) When an informal administrative review does not resolve the dispute to the satisfaction of the operator, the operator may request of the commission a full evidentiary hearing.~~

R 393.113 Evidentiary hearings. RESCINDED

~~Rule 13. (1) When an operator is dissatisfied with an action of the commission arising from the operation or administration of the vending facility program, such operator may file a complaint with the commission requesting a full evidentiary hearing as required by the Randolph Sheppard act of 1936, as last amended in 1974, 20 U.S.C. SS107 to 107f, and the provisions of 34 C.F.R. S395.13 (July 1, 1981). At the time an operator is licensed he or she shall be informed, in writing, of his or her right to, and the procedures to be followed in obtaining, a full evidentiary hearing.~~

~~(2) If an operator requests a full evidentiary hearing, the request shall be filed in writing with the commission within 15 working days from the date of the mailing of the decision issued as a result of an administrative review. If a request for a hearing by an operator is not timely, and if there is no showing of good cause for a late request, the commission's administrative review is final.~~

~~(3) The commission, which shall be considered a party to an appeal, shall have 15 working days from service of the request for hearing to file a response with the hearing office.~~

- ~~(4) The hearing officer shall have 15 working days after receipt of the agency response to notify both parties of the time, date, and place of hearing. The hearing shall be held at a time and place which is convenient to the operator who is requesting a full evidentiary hearing.~~
- ~~(5) Hearings shall be conducted pursuant to the procedures in contested cases set forth in chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.271 to 24.287 of the Michigan Compiled Laws.~~
- ~~(6) Witnesses may be subpoenaed by the hearing officer on his or her own motion. Witnesses requested by the parties may also be subpoenaed by the hearing officer if the evidence of the witnesses is deemed necessary and will not be cumulative. Witnesses subpoenaed shall be allowed fees at the rate fixed by law and shall be paid by the commission out of the funds appropriated for its administration.~~
- ~~(7) Any party may be represented by an attorney or other representative or may represent himself or herself.~~
- ~~(8) The hearing officer shall have 30 working days to render a proposed decision after the record is closed.~~
- ~~(9) The commissioners shall have 60 calendar days from receipt of the proposed decision to render a final agency decision.~~
- ~~(10) If an operator is dissatisfied with the final agency decision, the operator may request, within 15 working days from the date of the mailing of the final decision, that an ad hoc arbitration panel be convened, as authorized by the provisions of 34 C.F.R. S395.13 (July 1, 1981).~~
- ~~(11) The operator shall be advised that the decision of the ad hoc arbitration panel is final and binding on the parties, unless the decision is appealed pursuant to the provisions of the government organization and employees act, 5 U.S.C. chapter 7.~~

R 393.199 Rescission. RESCINDED

Rule 99. R 400.261 to R 400.276 of the Michigan Administrative Code, appearing on pages 3013 to 3016 of the 1979 Michigan Administrative Code, are rescinded.

R 393.1 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Academic period" means a semester, trimester, quarter, or other college or university unit of study.
- (b) "Act" means Act No. 260 of the Public Acts of 1978, as amended, being §393.351 et seq. of the Michigan Compiled Laws.
- (c) "Active participation" means the process whereby the elected operators' committee and its subcommittees, the commission board, and commission staff cooperate in the development and implementation of major administrative decisions and policy as well as program development, as prescribed in the Randolph-Sheppard act of 1936, as amended, 20 U.S.C. §107 et seq. and the act.
- (d) "Administrator" means the program administrator of the business enterprise program.
- (e) "Bid" means the process whereby a licensee or a potential licensee records on the bid line his or her desire to transfer to, or begin operation of, an available location.
- (f) "Bid line" means a telephone line that contains a recorded message of all locations which are available during an identified time frame.
- (g) "Cafeteria" means a food dispensing facility capable of providing a broad variety of prepared foods and beverages, including hot meals, primarily through the use of a line where the customer serves himself or herself from displayed selections. A cafeteria may be fully automatic or may have limited table service. Table or booth seating facilities are always provided.
- (h) "Combined cafeteria/snack bar" means a facility which combines the features of a cafeteria with the features of a snack bar.
- (i) "Commission" means the Michigan commission for the blind.

- (j) "Commission board" means the policy-setting body for the Michigan commission for the blind.
- (k) "Committee" means a group of members that is elected to represent all vending facility operators and that is created pursuant to R 393.53.
- (l) "Dry stand" means a vending facility that does not sell liquids.
- (m) "Federal properties" means a building, land, or other real property owned, leased, or occupied by a department, agency, or instrumentality of the United States, including the department of defense and the United States postal service, or an instrumentality wholly owned by the United States.
- (n) "Hearings office" means the office within the department charged with the responsibility of conducting fair and impartial hearings.
- (o) "Hearings officer" means a person designated to conduct hearings and issue proposed decisions on behalf of the commission pursuant to Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.
- (p) "Highway vending" means a vending facility that consists of 1 or more state of Michigan highway rest areas or welcome centers.
- (q) "Initial merchandise inventory" means merchandise necessary for establishing a licensee in a vending facility, and shall include bill changer change and coin mechanism change.
- (r) "License" means a written instrument that the commission issues to a blind person that authorizes the person to operate a vending facility on federal, state, or other property.
- (s) "Licensee" means a blind person who the commission licenses to operate an assigned vending facility.
- (t) "Management services and supervision" includes inspection, quality control, consultation, accounting, regulating, in-service training, and related services provided on a systematic basis provided to support and improve Randolph-Sheppard small business enterprises operated by blind individuals. "Management services and supervision" does not include routine services or costs that pertain to the ongoing operation of an individual facility after the initial establishment period.
- (u) "Mandated" facility is one in which blind persons are granted priority to operate concessions under the Randolph-Sheppard act of 1936, as amended, 20 U.S.C. §107 et seq. and the act.
- (v) "Net proceeds" means the amount remaining from the sale of articles or services of vending facilities and any vending machine or other income accruing to operators after deducting the cost of the sale and other expenses and excluding set-aside charges required to be paid by operators.
- (w) "Net profit" is the gross income to the operator before personal income tax.
- (x) "Operating costs" means the cost of all of the following:
 - (i) Products sold.
 - (ii) Employees' wages, taxes, and compensation.
 - (iii) An operator's portion of repair.
 - (iv) Sales taxes.
 - (v) Operating insurance.
 - (vi) Supplies.
 - (vii) Business telephone charges directly related to the vending facility.
 - (viii) The renting or leasing of commission-approved equipment or space, which may include utilities.
 - (ix) Actual vehicle mileage or actual vehicle expenses, documented in a log for that purpose, which are directly related to operation of the vending stand facility, which are deemed necessary for the location, and which are identified in the agreement, and parking and tolls directly related to the operation of the vending stand facility. The expenses shall be documented by adequate records or evidence. The rate of reimbursement shall be established by the commission board with the active participation of the committee. Vehicle mileage between the licensee's home and vending facility is not an operating expense.

- (x) Dues for professional and trade organizations.
- (y) "Other property" means property which is not required by state or federal law to house a vending stand facility and which is property on which vending facilities are established or operated through the use of any funds derived, in whole or in part, directly or indirectly, from the operation of any mandated vending facility.
- (z) "Permit" means the official approval or authority which is given to the commission by a department, agency, or instrumentality that is in control of the maintenance, operation, and protection of federal property or by a person who is in control of other property and which authorizes the commission to establish a vending facility.
- (aa) "Program" means all the activities of the commission related to business enterprise program vending facilities on federal, state, and other properties.
- (bb) "Promotional agent" means the commission employee occupying the Michigan department of civil service position that performs the duties described in R393.21.
- (cc) "Satellite" means a site that is added to a licensee's primary vending facility to assist the profitability of the primary vending facility. A satellite is not profitable enough to meet the current requirements for a self-supporting facility.
- (dd) "Self-employment" means an occupation where an individual does not receive a W-2 form and is required to file an internal revenue service schedule "C" (sole proprietorship form).
- (ee) "Set-aside funds" means funds that accrue to the commission from an assessment against the net proceeds of each vending facility in the state's program.
- (ff) "Snack bar" means a vending facility that is engaged in selling limited lines of refreshment and derives more than 5% of its gross sales from the sale of coffee or other beverages. A snack bar may sell prepared food items necessary for a light meal service such as soups, salads and sandwiches. Food may be prepared off the premises. A snack bar may have no or limited on-site food preparation.
- (gg) "Stand type" means any of the following types of vending facility:
 - (i) Dry stand.
 - (ii) Snack bar.
 - (iii) Vending machine.
 - (iv) Cafeteria.
 - (v) combined cafeteria/snack bar.
 - (vi) Vending machine route.
 - (vii) Highway vending.
- (hh) "State property" means a business enterprise program facility in a building or on a property owned or occupied by the state, except for a concession operated in connection with any of the following:
 - (i) The state fair.
 - (ii) The use of state fair grounds.
 - (iii) Any state educational institution.
 - (iv) A state penal institution.
 - (v) Military establishments and armories.
 - (vi) A state park.
- (ii) "Unassigned vending machine income" means the funds that accrue from vending machines on federal, state, and other properties, for which there is no blind licensee and which accrues to the commission.
- (jj) "Vending machine route" means a vending facility that consists of vending machines situated in disparate physical locations. None of the vending machine route component parts can function as a vending facility.
- (kk) "Vending machine facility" means a vending facility that has a majority of its sales generated from coin or currency-operated machines that dispense articles or services.
- (2) A term defined in the act has the same meaning when used in these rules.

R 393.2 Program administration.

Rule 2. The commission, with the active participation of the committee, shall administer a vending facility program for the blind on federal, state, and other properties.

R 393.3 Program eligibility.

Rule 3. (1) An individual is eligible for the vending facility program and is eligible for program training and assignments if any of the following provisions apply:

- (a) The person is unemployed.
- (b) The person is earning a weekly wage less than or equal to 40 hours times the current federal minimum wage.
- (c) The person is employed in a program vending facility.
- (d) The person is an active rehabilitation client whose vocational objective is placement in the program, whose name is placed on the potential licensees' list, and who takes employment while waiting to be placed in the program. In this case, the potential licensee remains on the potential licensees' list with full rights as a potential licensee until either of the following occurs:
 - (i) The person is awarded a program vending facility;
 - (ii) The person elects to have his or her name removed from the potential licensees' list.
- (2) After 3 years on the potential licensees' list, an individual shall be retrained before being awarded a license.
- (3) An individual who does not meet the requirements contained in subrule (1) of this rule is not eligible for program training or placement. All of the following conditions also render an individual ineligible for program training or placement:
 - (a) A former program licensee who owes money to the commission is not eligible until the debt is paid in full.
 - (b) A former program licensee who owes money to suppliers or owes state or federal taxes is not eligible until the former licensee's debts are paid in full.
 - (c) A former program licensee who owes money for an inventory shortage is not eligible until the debt is paid in full.
 - (d) A licensee who has a repayment agreement in good standing in effect at the time these rules take effect is exempt from subrule (3) of this rule. However, if the licensee's repayment agreement is violated, then the terms and conditions of this subrule shall apply.

R 393.4 Client interview; referral for alternative services; evaluation; testing; training; remedial training.

Rule 4. (1) If a client and counselor decide that the vocational objective of vending facility licensure fits the client's skills and interests, the counselor shall request an interview with a member of the program staff. The request for an interview shall be made to the program trainer.

(2) If a candidate is not considered to be eligible to be a vending facility licensee by the program trainer, then the candidate shall be referred to the counselor for alternative services. The candidate must:

Be interested in meeting the public on a daily basis.

Understand the concept of customer service.

Understand appropriate business attire.

Be willing to relocate.

(3) A candidate shall not be admitted to the program without a satisfactory interview.

(4) A vending facility training evaluation is required for a candidate for the program. A potential licensee shall possess competency as determined by the board with active participation from the committee.

(5) A candidate for the program, including a candidate who intends to train for cafeteria operation, shall attain the competencies determined by the board with the active participation of the committee and set forth and published by the board and shall avail himself or herself of the vending facility training and on-the-job training.

(6) If a student is unable to attain a satisfactory evaluation, then a counselor shall offer assistance in obtaining remedial training to upgrade skills. If the student has physical limitations that hinder the completion of the evaluation, and it is determined that he or she can handle the physical requirements associated with operating a facility, then the counselor shall include documentation in the evaluation requesting a waiver of the orientation and mobility requirement or other requirement not attainable by the client due to a disability and not essential to carrying out the responsibilities of a licensee.

R 393.5 Establishment of program entrance requirements; candidate evaluation.

Rule 5. (1) The commission board, with the active participation of the committee, shall establish and set forth entrance requirements for the program.

(2) Each candidate for the program shall be evaluated in all of the following areas:

- (a) Reading, mathematics, and communications.
- (b) Orientation and mobility.
- (c) Daily living skills.

R 393.6 Vending facility training.

Rule 6. (1) Vending facility training shall include both classroom training and on-the-job training.

(2) The course content of the classroom training shall include all of the following topics:

- (a) A history and overview of the program.
- (b) The Randolph-Sheppard program and all applicable laws, regulations, and policies.
- (c) Methods of managing a vending stand, including all of the following:
 - (i) Sanitation.
 - (ii) Bookkeeping.
 - (iii) Product management.
 - (iv) Marketing skills and techniques.
 - (v) Customer relations skills.
 - (vi) Program reporting requirements.
 - (vii) Applicable employer laws, rules, and regulations.
- (d) Equipment certification.

(3) A student shall demonstrate that he or she is in compliance with the guidelines regarding dress as set forth in the vending stand training syllabus and training contract.

(4) Tests shall be administered in each area specified in subrule (2) of this rule, and require a passing grade of not less than 75%.

(5) A candidate is required to pass the national restaurant association education foundation test and the applied food service sanitation course of the Michigan department of community health, and require a passing grade of not less than 75%.

R 393.7 Vending facility on-the-job training.

Rule 7. (1) A client shall successfully complete and pass on-the-job training before being awarded a license. If the client does not pass the initial on-the-job training, he or she may be reassigned to a second on-the-job training. However, if the client fails the second on-the-job training, he or she is terminated from the vending facility training program and cannot be placed on the potential licensee list.

- (2) A candidate who does not report for training and who cannot reasonably explain the absence shall be considered by the trainer to have failed on-the-job training.
- (3) A candidate who attempts to defraud the commission or who steals money or merchandise from the trainer shall be summarily suspended from training. The commission will conduct an investigation. If the investigation substantiates the fraud or theft, then the candidate will be expelled from the program and may not be considered for the program for a period of 5 years. A candidate who disagrees with the finding of the investigation can appeal the finding through a process established under the vocational rehabilitation act of 1973, as amended in 1992, 29 U.S.C. 31-42 §100-803 et seq.
- (4) The commission board, with the active participation of the committee, shall establish standards for on-the-job training.
- (5) A licensee who serves as an on-the-job trainer shall be certified through a training program provided by the commission.
- (6) A licensee certified as an on-the-job trainer has all of the responsibilities described in subdivision (a), (b), and (c) of this subrule:
 - (a) To ensure that all components of the on-the-job training assessment are evaluated and that the trainee is given the opportunity to independently demonstrate proficiency in all areas.
 - (b) To provide the full amount of time for on-the-job training as determined by the commission board with the active participation of the committee.
 - (c) To properly complete and submit an on-the-job training evaluation during the last day of on-the-job training. On-the-job training reports are a part of the vocational rehabilitation file and as such are governed by the vocational rehabilitation confidentiality requirements.
- (7) A trainee in on-the-job training has both of the following responsibilities:
 - (a) To demonstrate proficiency in all areas covered in the on-the-job evaluation.
 - (b) To complete the amount of training time required for on-the-job training as determined by the commission board with the active participation of the committee.

R 393.8 Cafeteria facility training.

- Rule 8. (1) The commission board, with the active participation of the committee, shall establish and publish in the business enterprise program operations manual the requirements for cafeteria facility training. To enter into the program as a cafeteria vending facility licensee, a person shall meet all of the established requirements.
- (2) The requirements for cafeteria facility training are:
 - (a) College-level classes in food service. The commission board, with the active participation of the committee, shall establish and publish in the business enterprise program operations manual the college-level classes required.
 - (b) Vending facility training.
 - (c) Cafeteria on-the-job training.
 - (d) Vending facility on-the-job training.

R 393.9 Candidate referral packet.

- Rule 9. A rehabilitation counselor shall refer a candidate for the program to the administrator by means of a referral packet, which shall consist of all of the following:
- (a) Employment profile data, which may include the following:
 - (i) Purposes and goals of the referral.
 - (ii) Prior experience in food service.
 - (iii) Education and work history.

- (iv) Selected vocational goals.
- (b) A diagnostic eye examination report indicating whether there is a possibility of improved vision in the future.
- (c) On-the-job training reports.
- (d) A classroom training report.
- (e) A certificate of completion of the national restaurant association education foundation sanitation course.
- (f) A certificate of passage of the Michigan community public health agency sanitation test.

R 393.10 License issuance and eligibility requirements.

Rule 10. A license shall be issued only to a person who, as determined by the commission, meets all of the following requirements:

- (a) Is blind as certified by a licensed ophthalmologist or optometrist. If a licensee obtains corrective surgery or his or her vision improves through other means, then the licensee shall be required to submit a new eye exam.
- (b) Is not less than 18 years of age.
- (c) Is certified by the commission as qualified to operate a vending facility.
- (d) Does not owe money under the circumstances described in R 393.3(3).

R 393.11 Licensing procedure.

Rule 11. (1) To be licensed, a person shall comply with all of the following requirements:

- (a) Be certified by the commission as qualified to operate a vending facility.
 - (b) Be placed on the potential licensee list.
 - (c) Bid on a facility.
 - (d) Be awarded a facility.
 - (e) Sign an inventory for the facility.
 - (f) Successfully operate a facility for 6 months.
- (2) A license is valid on the date the potential licensee successfully completes a 6-month probationary period and is valid for an indefinite period but subject to rules regarding suspension or termination, as defined in rules 393.13, 393.14, 393.15 and 393.16. The license is subject to suspension or termination if, after affording the licensee an opportunity for a full evidentiary hearing, the state licensing agency finds that the vending facility is not being operated in accordance with its rules and regulations, the terms and conditions of the permit, and the terms and the conditions of the agreement with the licensee.
- (3) A license may be voluntarily surrendered by a licensee.
- (4) Licensee seniority commences on the first day of the probationary period. Seniority is awarded retroactively at the end of the successfully completed probationary period. Seniority continues to accrue uninterrupted unless the license is suspended or revoked or unless 7 or more days elapse between the implementation of a current vending facility agreement and a new vending facility agreement. If 7 or more days elapse, then seniority is interrupted until the new vending facility agreement is signed by both the licensee and the commission.
- (5) Before accepting another facility, a licensee shall operate his or her facility for not less than 6 months.
- (6) For seniority purposes, ranking on the potential licensee list is based upon the first business day after completion of training, as shown by the documents submitted. If a tie occurs, then the following criteria are used to break the tie in a manner determined by the commission board, with the active participation of the committee:
- (a) Rank-ordered scores from the educational foundation of the national restaurant association food service sanitation course exam.
 - (b) Rank-ordered scores from the vending facility training final exam.
 - (c) Rank-ordered scores from the Michigan community public health agency food service sanitation course exam.

- (d) If a tie score exists after the first 3 criteria specified in subdivision (a) to (c) of this subrule have been applied, then the time stamp of the bid, as recorded on the bid line, determines the recipient of the award.
- (7) Once a trainee's name has been placed upon the potential licensee list, he or she may begin bidding.

R 393.12 License entitlements; license display; license validity.

Rule 12. (1) A license entitles a licensee to all rights and protections under the Randolph-Sheppard act of 1936, as amended, 20 U.S.C. §107 et seq., as well as the act and corresponding promulgated rules.

(2) A license shall be displayed at the vending facility at all times.

(3) A license is valid only while the licensee is actively operating a facility with a valid agreement or has signed a letter of acceptance before transferring to a new vending facility.

Rule 393.13 License termination.

Rule 13. A license is issued in accordance with the Randolph-Sheppard act of 1936, as amended, 20 U.S.C. §107 et seq. and is subject to summary suspension or revocation, for cause, if the vending facility is not operated pursuant to the commission's rules and policies, the terms and conditions of the permit, or the agreement with the licensee.

R 393.14 Summary license suspension.

Rule 14. (1) If the commission finds that the public health, safety, or welfare requires emergency action and incorporates this finding in its order, summary suspension of a license may be ordered effective on the date specified in the order or on service of a certified copy of the order on the licensee, whichever is later, and will remain in effect during the suspension proceedings. The proceedings shall be promptly commenced to determine if license revocation is justified. Reasons for summary license suspension may include any of the following:

(a) The commission's equipment, merchandise, property, or business is in jeopardy or has been degraded.

(b) The operator is not carrying workers' disability compensation coverage.

(c) The public health, safety or welfare is at risk as a result of licensee action(s).

(2) A licensee whose license has been suspended is not eligible to be awarded a promotion while the license is in suspension.

R 393.15 License revocation.

Rule 15. (1) The commission may revoke a license issued to a blind person for the operation of a vending facility on federal, state, or other property for any of the following reasons:

(a) A licensee's vision has improved to the extent that he or she no longer meets the requirements of the act. The commission may periodically request that a licensee submit to an updated eye examination. The licensee shall select the service provider and the commission shall pay the cost of the eye examination. If either the commission or the licensee requests a second opinion, the requesting party shall bear the cost of the second examination. The commission may request that a licensee submit to an updated eye examination when the commission's consultant has reviewed the original eye examination and advised the commission that there is some possibility of vision improvement. A licensee for whom there is no possibility of improved vision shall not be required to have an updated eye examination.

(b) Voluntary withdrawal from the program.

(c) An extended illness of a licensee which has been medically diagnosed and documented and which will result in the prolonged incapacity of the licensee to operate the vending facility in a manner consistent with the needs of the vending facility or other available locations in the vending facility program.

- (d) A violation of the terms and conditions of R 393.24, R 393.25, R 393.26, R 393.27, R 393.28, R 393.29, R 393.30, R 393.31, or R 393.32.
- (e) A violation of the terms and conditions of the vending stand agreement with the commission.
- (2) Termination of participation in the program results in automatic license revocation. Before reentry into the program, the licensee whose license has been revoked shall again complete the full vending facility training program.
- (a) An approved leave of absence is not considered termination or withdrawal from the program.
- (b) In such a situation, the licensee is afforded the opportunity to participate in the full vending facility training program, unless waived by the licensee in writing.
- (3) A licensee whose license is in the termination process, as specified in R 393.16, is not eligible to be awarded a promotion while the license is in the termination process.

R 393.16 License termination procedures.

Rule 16. Before temporarily suspending or revoking a license, the commission shall do all of the following in accordance with section 92 of Act No. 306 of 1969, as amended, being §24.292 of the Michigan Compiled Laws:

- (a) Issue a written notice stating the facts or conduct that warrants the license action.
- (b) Provide an opportunity to show compliance, within 30 days, with licensing requirements.
- (c) Issue a notice of hearing if, within 30 days, there is a failure to show compliance with licensing requirements; and, in addition, insert in the notice the language "commencing proceedings."
- (d) Cause an evidentiary hearing as prescribed in the Randolph-Sheppard act of 1936, as amended, 20 U.S.C. §107 et seq. and the act.
- (e) Consider the proposed decision rendered by the hearing officer.
- (f) Issue a final decision as rendered by a majority of the commissioners voting. The final agency decision shall identify the effective date of the license action.
- (g) Advise the licensee in writing within 72 business hours, if the final decision is to revoke or suspend a license, of his or her right to seek a remedy through an ad hoc arbitration panel as authorized by the provisions of 34 C.F.R. §395.13 (July 1, 1981). The licensee shall then file a written request for an ad hoc arbitration, pursuant to §5 of the Randolph-Sheppard act of 1936, as amended.
- (h) Advise the licensee in writing within 72 business hours, that the decision of the ad hoc arbitration panel is final and binding on the parties, except that the decision is subject to appeal and judicial review as a final agency action for purposes of the provisions of the government organization and employees act, 5 U.S.C. §101 et seq.

R 393.17 Commission responsibilities generally.

Rule 17. The commission shall do all of the following:

- (a) Furnish each licensee with a copy of these rules and a copy of the manual that describes the arrangements for providing services to the licensee.
- (b) Provide financial information to licensees quarterly and on a fiscal year basis.
- (c) Take adequate steps to inform each licensee of the provisions of these rules and the provisions of the permit and any agreement under which the licensee operates, including the licensee's rights and responsibilities as evidenced by the signed licensee's agreement.
- (d) Periodically conduct, or cause to be conducted, a management review of a random sample of licensees.

R 393.18 Commission responsibilities; vending facility site; equipment.

Rule 18. The commission shall do all of the following:

- (1) Determine if a potential site is suitable for a vending facility. In a building where more than 1 vending facility exists, the commission may merge the facilities into a single vending facility. Facility merging may occur when 1 of the vending facilities is vacated and has not been awarded to another licensee after being on the bid line for 2 or more weeks. Under these circumstances, applicable additional licensee training requirements shall be waived for a period to be determined by the commission board, with the active participation of the committee. The commission shall determine, with the active participation of the committee, whether a potential location is suitable for operation as a vending facility or as a satellite. The criterion for determining if a potential location is suitable for operation as a vending facility is that the potential site's net annual income is expected to be 120% of the current federal minimum wage, based upon a 40-hour workweek.
- (2) List and assign priority to suggested renovations. All renovation or remodeling activities are subject to the availability of funds. The commission shall make all final renovation decisions with input from the committee.
- (3) The commission shall determine the equipment needs of each vending facility and furnish each vending facility with adequate equipment suitable to the needs of the vending facility.
- (4) The commission may authorize the lease of equipment for a vending facility. The cost of the lease shall be paid from the proceeds of the facility. A vending facility agreement signed by the licensee shall constitute informed consent to lease equipment. By signing the agreement, the licensee consents to all terms and conditions of the lease and accepts responsibility for the lease.
- (5) Only the commission may transfer equipment between licensees or facilities. Equipment shall only be used in the assigned vending facility.
- (6) Bill identifiers or other personal equipment transfers with the licensee to whom the identifier or other personal equipment is assigned. When a licensee leaves the program, the bill identifier or other personal equipment reverts to the commission.
- (7) The commission shall maintain, or cause to be maintained, all vending facility equipment in good repair and cosmetically appealing condition and replace, or cause to be replaced, worn-out or obsolete equipment as required to ensure the continued and successful operation of the facility.

R 393.19 Right and title to interest in equipment.

Rule 19. The title to the equipment in each vending facility shall be and shall remain in the name of the state of Michigan, except that equipment that is determined to not be needed in the vending facility program may be reassigned to blind individuals outside of the vending facility program. Title to the reassigned equipment shall then be determined according to the procedures set forth in the independent business programs of the commission.

R 393.20 Vending machine income; disbursement; use.

Rule 20. (1) Income from vending machines on federal properties that is not assigned to a licensee may be used for the establishment and maintenance of retirement or pension plans, for health insurance contributions, and for paid sick leave and vacation time for licensees in the state program, if determined by a majority vote of the licensees. Vending machine income from federal properties that is not necessary for the purposes of this subrule shall be placed in the set-aside funds and designated as unassigned vending machine income.

(2) Upon receiving supporting documentation of a loss, income from unassigned vending machines on state and other properties may be utilized for the purpose of insuring a licensee's loss in merchandise due to theft or equipment failure. Vending machine income from state and other properties that is not necessary to insure a licensee's loss shall be placed in the set-aside fund and designated as unassigned vending machine income.

R 393.21 Promotional agent; role; duties.

Rule 21. (1) The promotional agent is the commission's representative to the vending facility licensees. A promotional agent fulfills a supervisory role in the program. A promotional agent shall do all of the following:

- (a) Assign equipment to the stand.
- (b) Monitor the licensee to ensure compliance with employer responsibilities.
- (c) Monitor compliance with applicable commission rules.
- (d) Assist a licensee in running a clean and efficient business and in complying with all of the following provisions:
 - (i) Meeting state standards.
 - (ii) Being profitable and well managed.
 - (iii) Meeting the established profit expectations of the business.
 - (iv) Providing high-quality customer service.
 - (v) Conforming to the terms and conditions of the permit.
- (2) A promotional agent shall visit the facility every 6 weeks, or more often as necessary, to offer suggestions and assist in obtaining the items of equipment or the service for which the commission is responsible. A promotional agent shall complete a field activity report after every visit, which shall include an assessment of the facility based upon the goals identified in subrule (1) of this rule. If a facility visit is not possible, then a promotional agent shall document telephone contact with the licensee.
- (3) A promotional agent shall evaluate the facility annually, or more often if necessary, to ensure operation as described in subrule (1) of this rule. A new facility shall be evaluated semiannually during the first year of operation, or more often if necessary.
- (4) A promotional agent shall monitor compliance with the rules and policies of the commission.
- (5) A promotional agent shall hold confidential information regarding the facilities for which the agent is responsible.
- (6) A promotional agent shall arrange for additional licensee training, if needed.
- (7) A promotional agent shall explain program rules and policies.

R 393.22 Initial vending facility inventory.

Rule 22. (1) The commission shall do all of the following:

- (a) Furnish the licensed vending facility with an initial 2-week merchandise inventory in an amount that is determined in consultation with the vending facility licensee. The vending facility licensee shall sell only the types of items stated in the permit with the building grantor and in the licensee's agreement with the commission.
- (b) Use the estimated, or actual if available, purchase costs for a 1 year business cycle divided by 26 for determining the initial 2-week merchandise inventory. The administrator may authorize deviations from the formula if the deviation does not violate other provisions of these rules. Fully documented requests for deviation from the formula shall be submitted to the administrator in writing for approval.
- (c) Include the initial itemized inventory as a part of the vending facility agreement form. The assigned inventory value shall be recorded on the vending facility inventory record. The total amount of the assigned inventory value shall be recorded on the vending facility agreement.
- (d) Annually adjust the inventory amount based upon the wholesale price index.
- (2) Except as specified in subrule (1)(d) of this rule, the initial merchandise inventory amount may not be increased unless a significant business expansion, adjusted for inflation, occurs or additional product lines or services are added. A significant business expansion is an expansion that is expected to last for 6 or more months.
- (3) If a significant business expansion occurs, then the formula for determining the amount of the additional inventory assignment shall be the formula specified in subrule (1)(b) of this rule, but substituting the projected sales of new business products or services for a 1-year business cycle. The additional expanded amount shall be

covered by the commission at the time the expanded inventory is initially purchased, but shall be added to the assigned inventory amount as a licensee responsibility.

(4) Both the initial merchandise inventory stock and the expansion inventory, if applicable, are added together to become the beginning assigned inventory amount for which the licensee is responsible.

(5) An itemized inventory of the expansion items shall be added to the beginning inventory and attached to the vending facility agreement.

R 393.23 Ending inventory.

Rule 23. (1) When a licensee leaves a facility, an ending inventory shall be taken jointly by the outgoing licensee, the incoming licensee, and the commission. The beginning inventory, including expansion, if applicable, and the ending inventory amounts shall be compared.

(2) If the initial merchandise inventory is too low, based upon the formula in R 393.22(1)(b), then an inventory adjustment shall be made by the commission. The commission shall reimburse the outgoing licensee for the difference, and the new beginning inventory amount shall be entered on the incoming licensee's inventory record and vending facility agreement.

(3) If the ending inventory amount is more than the beginning inventory amount, then there is an overage. The overage represents accrued earnings of the outgoing licensee. The outgoing licensee shall pay set-aside fees on the full amount of overage. The disposition of an overage is the responsibility of the outgoing licensee.

(4) If the ending inventory is less than the beginning inventory, then a shortage exists. If a shortage exists when the inventory is taken, then the outgoing licensee shall reimburse the commission immediately. If a licensee cannot reimburse the commission within 24 hours, then license revocation proceedings shall be initiated as described in R 393.16. As of the effective date of this rule, a repayment agreement shall not be created, without exception.

(5) When a licensee leaves a facility that has vending machines, a catalog of spare parts shall be created jointly by the outgoing licensee, the incoming licensee, and the commission. If the ending catalog of spare parts is missing parts as compared to the beginning inventory, as detailed in R 393.32(1), then the outgoing licensee shall replenish the spare parts inventory within 24 hours.

R 393.24 Licensee obligations generally.

Rule 24. (1) Each licensee shall agree to do all of the following:

(a) Perform, to the best of his or her ability, the necessary duties in connection with the vending facility pursuant to the commission's rules and procedures, the terms of the permit, and the agreement with the licensee and otherwise abide by the rules of the commission.

(b) Operate not more than 1 concession as defined in the act.

(c) Take no action in derogation of, or inconsistent with, the title of the state of Michigan to the vending facility equipment.

(d) Sign the vending facility agreement, agreeing to accept full responsibility for the amount of the initial merchandise inventory. The licensee further agrees to maintain that level of inventory at all times, with the exception of seasonal business cycles, until he or she leaves the facility. Nothing contained in the vending facility agreement makes the parties partners or joint venturers with each other. The only relationship between the commission and the vending facility operator is that of agency and licensee. Nothing in the vending facility agreement renders either of the parties liable to any third party for debts of or litigation of the other party.

(e) Notify the promotional agent, within 2 weeks of when a vending facility is assigned, of any problems with the inventory. After that date, the commission is not obligated to adjust the inventory or reimburse for bad products.

- (f) Submit, in writing, requests for facility renovations, or discuss, with the assigned promotional agent, facility renovations as a component of the annual vending facility evaluation process. Proposed renovations shall be forwarded to the central office of the commission.
- (g) Admit duly authorized representatives of the commission to the vending facility and cooperate with them in connection with their official duties and responsibilities.
- (h) Sell only the types of merchandise itemized in the agreement signed by the licensee and the commission.
- (i) Pay for all merchandise and supplies purchased within the terms and conditions of the credit policies of suppliers.
- (j) Obtain approval of the commission, except in emergencies, before employing assistants within the guidelines established by the commission board with the active participation of the committee.
- (k) Conform to the hours of operation as fixed by the commission after consultation with the licensee and the agency having charge of the property. The hours of operation shall be stated on the vending stand agreement.
- (l) Participate in the in-service training programs provided.
- (m) Obtain and maintain a general comprehensive liability insurance policy and, if the licensee hires 1 or more full-time or part-time employees, obtain and maintain workers' disability compensation coverage and pay unemployment taxes and all other applicable federal, state, and local taxes.
- (n) Comply with all applicable federal and state laws and regulations, including tax laws.
- (o) The commission shall commence license revocation proceedings if a licensee fails to comply with any of the provisions specified in this subrule.
- (2) A licensee shall not discriminate against any person or persons in furnishing the use of any vending facility, including any and all services, privileges and accommodations provided. A licensee shall comply with all of the following:
 - (a) Title VI of the civil rights act of 1964, 42 U.S.C. § 200d and regulations issued pursuant to title VI of the civil rights act of 1964.
 - (b) The Americans with disabilities act of 1990, 42 U.S.C. §12101 et seq.
 - (c) Act No. 220 of the Public Acts of 1976, as amended, being §37.1101 of the Michigan Compiled Laws.
 - (d) Any other applicable civil rights legislation.
- (3) A licensee shall refer repairs to facility structure and utilities to the commission for action. If the needed repair is an emergency and requires immediate attention, then the licensee shall contact building personnel to effect the necessary repairs.

R 393.25 Licensee insurance requirements.

Rule 25. A licensee shall do both of the following:

- (a) Obtain general comprehensive liability insurance. A licensee shall comply with the general comprehensive liability insurance requirement by satisfying either of the following provisions:
 - (i) Purchasing a policy independently and providing the commission with a certificate of insurance showing the dates of coverage. The commission shall be named on the certificate of insurance to assure its notification if coverage is cancelled or lapses.
 - (ii) Purchasing liability insurance through the commission. Rates are dependent upon gross sales. A licensee shall be notified annually of his or her specific multiplier, as established by the commission board, with the active participation of the committee, used to calculate the monthly payment. Payment shall be made on a monthly basis and recorded on the monthly vending facility report.
- (b) Carry workers' disability compensation insurance pursuant to state law and R 393.24 (1)(m). The commission shall be named on the certificate of insurance to document that the licensee has coverage and to ensure that the commission is notified if coverage is canceled or lapses.

R 393.26. Licensee health and safety obligations.

Rule 26. (1) A licensee shall operate a vending facility pursuant to all applicable health and safety laws and rules. (2) A licensee shall apply for and hold all health licenses. Fees for health licenses are considered to be a business expense and are the responsibility of the licensee.

A licensee shall submit, within 10 calendar days of receipt, all periodic health inspection reports to the commission. Where correction of the violation is within the purview of the licensee, the licensee shall act immediately to correct a violation.

(i) Failure to comply with the corrective action for a non-critical violation is grounds for commencement of license revocation proceedings. A non-critical violation is identified and defined by Michigan public health code, act 368, P. A. of 1978, part 129, as amended, food service sanitation.

(ii) Failure to comply with the corrective action for a critical violation is grounds for immediate and summary license suspension. A critical violation is identified and defined by Michigan public health code, act 368, P. A. of 1978, part 129, as amended, food service sanitation.

(4) Where correction of the violation is beyond the purview of the licensee, the commission shall make the correction pursuant to the inspection report.

R 393.27. Licensee reporting requirements.

Rule 27. (1) A licensee shall furnish reports as the commission may require periodically.

(2) A licensee shall complete the commission's standard monthly vending facility report. Business expenses, taxes paid, profit, and financial operations are major components of the report. The report shall be an accurate and true report.

(3) A licensee shall submit the monthly report data to the department's administrative entity. Reports shall be time and date stamped by the fifteenth day of the month following the period covered by the report.

(4) If a report associated with a set-aside payment is delinquent, then the reporting licensee is not eligible for promotion until 30 days after the time and date stamp of the delinquent report and a penalty of 50% of the monthly set-aside fee owed shall be assessed and paid with the next monthly report.

(5) If a payment for a repayment agreement, made before the effective date of these rules, is delinquent, then the reporting licensee is not eligible for promotion until 30 days after the time and date stamp of the delinquent payment.

(6) Receipt of a nonsufficient funds check in payment shall be treated in the same manner as a delinquent payment. A penalty of 50% of the monthly set-aside fee owed shall be assessed and paid with the next monthly report.

(7) The completion of the monthly report and the payment of the set-aside fees are the sole responsibilities of the licensee.

(8) A licensee shall make payment of the set-aside fee by the due date. The set-aside fee payment is a payment due the commission. The commission shall not accept partial payment for past due set-aside fee payments, liability insurance payments, or for repayment agreements that have been grandfathered in under R 393.27(4).

(9) Failure to submit 2 or more reports or payments during a 12-month period shall result in commencement of license revocation proceedings.

R 393.28 Licensee fees.

Rule 28. (1) A uniform set-aside fee based upon net proceeds shall be paid by each vending facility licensee. The fee shall be fixed by the commission with the active participation of the committee. The fee shall be designed to prevent, so far as practicable, a greater charge for any purpose than is reasonably required, with

allowance for reserves. Any changes in the set-aside fees shall be submitted to the commissioner of the United States rehabilitation services administration for prior approval and shall be embodied in the written agreement with the licensee. The fees are to be credited to a vending facility's set-aside for the following purposes only:

- (a) Maintenance and replacement of equipment.
- (b) The purchase of new equipment.
- (c) Management services.
- (d) The establishment and maintenance of retirement or pension funds and health insurance contributions and providing for paid sick leave and vacation time, if so determined by a majority vote of the licensees licensed by the commission.
- (2) The proceeds of the operation of each vending facility shall accrue to the licensee after the licensee has paid the operating costs and the set-aside fee.

R 393.29 Licensee inventory obligations.

Rule 29. A licensee shall take an inventory by December 31 of each year in accordance with commission policy. The inventory shall include all of the following information:

- (a) Item description.
- (b) Quantity.
- (c) Unit cost (wholesale cost).
- (d) Unit cost times quantity (total of money assigned to the item).
- (e) Total value of complete inventory. It is the licensee's responsibility to assign a unit cost to each item and to extend the inventory to determine the value of the entire inventory for that particular facility.

R 393.30 Licensee profit expectation.

Rule 30. (1) A licensee shall maintain the profit expectations established in this rule. A licensee's profit level is calculated based upon a period of 3 consecutive months. Licensee profit expectations are as follows:

- (a) Dry stand - 11% profit expectation.
- (b) Snack bar - 25% profit expectation.
- (c) Vending machines as follows:
 - (i) 30% profit expectation for state-owned and nonleased equipment locations.
 - (ii) 25% profit expectation for leased equipment locations. Profit expectation for leased equipment locations is calculated by the following formula: The sum of net proceeds plus leased equipment costs, divided by total sales for the month.
- (d) Cafeteria - 11% profit expectation.
- (e) Combined cafeteria/snack bar – 17% profit expectation.
- (f) Vending machine routes as follows:
 - (i) Nonhighway vending route - 25% profit expectation.
 - (ii) Highway vending route - 30% profit expectation.

(2) Licensees may request an exception to the established profit expectation for their vending facility. The request for the exception shall be addressed to the licensee's promotional agent and shall include the reason(s) the request should be granted. Within 15 working days of the request, a panel consisting of the vending facility's promotional agent, the administrator and the chair of the committee's promotions and seniority subcommittee shall review the request and make a determination. The promotional agent shall notify the licensee of the panel's determination in writing. The panel's decision may be appealed subject to R 393.54, 393.55 and 393.56.

R 393.31 Licensee equipment responsibilities.

Rule 31. (1) A request for equipment shall be submitted to the promotional agent in writing. Equipment purchased by a licensee without the prior written approval of the promotional agent shall neither be reimbursed by the commission nor allowed to remain in the facility. All nonapproved equipment shall be removed.

(2) A licensee may purchase small equipment items without prior approval. Small equipment items are items that may be purchased at a dollar value to be determined by the commission board with the active participation of the committee. Equipment shall be pertinent to the kinds of products sold and the type of facility to which the equipment is assigned. Licensee reimbursement for the cost of equipment is optional at the discretion of the promotional agent. Original invoices for the purchases shall be submitted to the promotional agent for reimbursement.

(3) A licensee may purchase items that cost less than \$500.00 only with the prior written approval of the promotional agent. For items that cost between \$100.00 and \$500.00, a licensee shall also secure 3 bids and submit written documentation, including the time of the bid, the date of the bid, the company bidding on the equipment, and the cost, to the promotional agent. A licensee who fails to provide written documentation of 3 bids shall not be reimbursed for the equipment.

(4) An individual piece of equipment that costs more than \$500.00 shall be authorized by the promotional agent for purchase through the state purchasing system. Reimbursement shall not be made for items that cost more than \$500.00.

(5) The equipment invoice shall be promptly submitted to the promotional agent for reimbursement. The invoice shall be the original, be legible, and contain all of the following:

- (a) The signature of the licensee.
- (b) The equipment company's federal employer identification number.
- (c) The date of delivery.
- (d) The invoice number.
- (e) The name and address of equipment company.
- (f) An itemized list of charges, total amount paid, and total amount due.

R 393.32 Licensee responsibility regarding equipment repairs.

Rule 32. Repairs are effected as follows:

(a) A licensee shall make a personal effort to make repairs. The commission shall supply appropriate spare parts, including 1 coin mechanism of each type necessary to operate the facility and 1 set of clean tubes and chutes for each machine type at a vending facility. A spare bill transport shall be provided for each vending facility that has a bill changer. Other spare parts shall be provided as determined necessary by the commission.

(b) If a licensee is unable to make a repair, he or she shall immediately contact a repair company, specializing in the types of repairs needed, to make the repair.

(c) A licensee shall make the necessary arrangements to meet repair personnel.

(d) A licensee shall obtain an estimate of the repair cost. If repairs cost more than an amount determined by the commission board, with the active participation of the committee, then the licensee shall contact the promotional agent for prior authorization. If a promotional agent is not available, then the licensee shall contact the commission for approval before effecting the repair. If commission staff is unavailable for 36 hours from the first attempted contact by the licensee, then the licensee may authorize the repair up to \$500.00.

(e) A licensee shall pay the repair company the repair deductible amount (refer to R 393.33(2)) or the entire repair cost immediately upon repair pursuant to the credit policies of the repair company.

(f) The bill for completed work shall be promptly submitted to the promotional agent for payment. The invoice shall be the original, be legible, and contain all of the following:

- (i) The signatures of both the repair company representative and the licensee.

- (ii) The company's federal employer identification number or, if a private person, the private person's social security number.
- (iii) The department equipment tag number.
- (iv) The date of repair.
- (v) The invoice number.
- (vi) The name and address of the repair company.
- (vii) An itemized list of charges, total amount paid, and total amount due.
- (viii) A notation specifying if the payment is to be made to the licensee or to the vendor.

R 393.33 Licensee repair deductible.

Rule 33. (1) A licensee shall pay a repair deductible on each equipment repair.

(2) The repair deductible is calculated by multiplying the previous year's actual or, for locations where documentation is incomplete, estimated gross sales by a factor established by the commission board, with the active participation of the committee. For new locations, an estimate of gross sales is used.

(3) Repair deductibles are applied only to labor and travel charges. Parts are not subject to the repair deductible. The repair deductible does not apply during the first 30 days after a licensee transfers facilities. A licensee repair deductible does not apply to equipment transferred into the facility for the first 30 days after transfer. For new licensees, deductibles do not apply for the first 60 days.

R 393.34 Licensee health insurance.

Rule 34. (1) A licensee may deduct an amount from set-aside fees due to offset the cost of health insurance. A licensee must submit proof of coverage with each monthly vending facility report. The amount of the health insurance deductible shall be annually recommended by the committee and shall be approved by the commission board. The determination of the deductible shall be based on a budget analysis to determine if the deduction will continue.

(2) If set-aside funds are insufficient to continue the deduction as a licensee benefit, then the deduction may be discontinued or altered by the commission based on a recommendation of the committee with the approval of the commission board or upon staff recommendation.

(3) The health insurance deductible shall be used for a licensee's expenses for health insurance. Proof of payment shall be submitted each month showing the coverage period, carrier, and type of insurance (family or single). Deductions may not be more than the actual amount paid for the licensee's portion of health insurance coverage.

R 393.35 Leave of absence, generally.

Rule 35. (1) This rule applies to all leaves of absence.

(2) To take a leave of absence, an operator shall first apply in writing to the administrator for the leave of absence. The leave of absence request shall include the reason(s) the request is being made. The administrator shall approve or deny the request in writing, identifying the applicable rule and subrule(s) for granting or denying the leave of absence.

(3) When a licensee is to be absent from his or her vending facility for more than 14 days but less than 30 days (short-term absence), then he or she shall leave a message at his or her promotional agent's office to request an absence. A vending facility shall be operated in accordance with the hours of operation identified in the vending facility agreement. Operator absence from a vending facility does not justify closure of the facility. A vending facility shall be reserved for the same licensee upon the licensee's return from an approved short-term absence only.

(4) When a licensee is to be absent from his or her vending facility for 30 days or more, he or she shall do all of the following as applicable:

(a) Notify his or her promotional agent by telephone and in writing.

(b) Give his or her promotional agent a written plan by which his or her vending facility is to be operated and maintained pursuant to program rules and regulations during his or her absence.

(c) When an absence is due to illness or injury, the licensee shall provide his or her promotional agent with a physician's statement. When absence extends beyond the time stated in the initial physician's statement, the promotional agent shall request further updates, as needed. The initial physician's statement and subsequent statement shall be treated in a confidential manner. The commission may request a second opinion at its own expense.

(d) A licensee shall not be absent from his or her vending facility for more than 60 consecutive calendar days during 1 calendar year, unless otherwise stated in these rules.

(5) A licensee's seniority is frozen at the beginning of the leave of absence.

(6) A vending facility vacated by a licensee who takes a long-term leave of absence shall not be reserved for the same licensee upon return from the absence.

(7) A licensee who takes a leave of absence shall be responsible for obtaining information regarding his or her retirement status and benefits. The commission is not responsible for obtaining the information.

R 393.36 Maternity, paternity, or adoption leave of absence.

Rule 36. A licensee may take a leave of absence for maternity, paternity, or adoption reasons. A maternity, paternity, or adoption leave of absence shall commence not more than 3 months before the expected delivery or adoption date and shall last for not more than 6 months after delivery or adoption.

R 393.37 Illness or injury leave of absence.

Rule 37. (1) A licensee may take a leave of absence for reasons of illness or injury pursuant to this rule.

(2) A medical leave of absence is normally granted for up to 6 months. An extension may be granted for an additional 6 months. Normally, a leave of absence for illness or injury shall not exceed 12 months in total.

(3) Physicians' reports shall be requested by the commission. The reports shall be used to ensure that the licensee on leave is using the leave for illness or injury. A physician's report shall be treated as confidential.

(4) A licensee who returns from extended sick leave shall submit a medically documented statement certifying that the licensee is able to return to work. On the basis of the certification, the licensee shall begin active bidding, subject to the same bidding procedure as potential licensees.

R 393.38 Educational leave of absence.

Rule 38. A licensee may take a leave of absence for educational reasons. An educational leave of absence may be granted for up to 5 years under the following conditions:

(a) The licensee shall have worked continuously in the program for a minimum of 3 years.

(b) While on educational leave, the licensee shall maintain full-time student status pursuant to the policies of the institution.

(c) When returning to active status in the program, the licensee shall provide confirmation of full-time student status during the time of his or her absence.

R 393.39 Other leaves of absence.

Rule 39. Up to 1-year leave of absence may be granted to a licensee under the following conditions:

(a) The licensee shall have been continuously active in the program for a minimum of 3 years.

(b) The licensee may not bid on another facility until his or her leave time, added to his or her time in the previous vending facility, equals 6 months from the date that he or she took over his or her last vending facility.

R 393.40 Leave of absence for self-employment.

Rule 40. (1) A leave of absence may be granted to a licensee to provide an opportunity for self-employment outside the program. The leave shall not be for more than 5 years.

(2) A licensee who has 3 or more years of seniority may apply for a self-employment leave of absence. A request for a self-employment leave of absence shall be in writing and submitted to the program administrator not less than 60 calendar days in advance of the expected leave date.

(3) A committee that consists of the program administrator, the committee chair, and the subcommittee on promotion and seniority chair shall have 15 working days to approve or deny the request in writing, identifying the applicable rule and subrule(s) for granting or denying the self-employment leave of absence. The applicant for a self-employment leave of absence shall meet the criteria described in subrules (1), (2), (6) and (7) of this rule. The committee shall also determine the eligibility of a person who returns to the program under the leave of absence policy as specified in this rule.

(4) State retirement credit shall resume pursuant to the rules and regulations of the state retirement system when a licensee re-enters the program.

(5) A licensee who takes a self-employment leave of absence shall be responsible for obtaining information regarding his or her retirement status and benefits. The commission is not responsible for obtaining the information.

(6) A request for a self-employment leave of absence shall include evidence that self-employment outside the program is expected. Evidence may include any of the following:

(a) The filing of papers for an assumed business name.

(b) Approved franchise papers.

(c) New business purchase agreement.

(d) Vending facility of business.

(e) A loan agreement.

(f) Permit or licenses.

(7) All set-aside and insurance fees, repayment agreements and loans, and applicable state and federal taxes shall be current when a leave of absence for self-employment is granted.

(8) If, at any time during the leave of absence, evidence is brought to the attention of the administrator that 1 or more of the criteria described in subrules (9) and (10) of this rule have not been met, then the administrator shall request that the committee convene a review panel to review and ascertain the facts of the case within 15 calendar days. After the panel's review, its recommendation shall be forwarded within 15 calendar days to the administrator for a final decision. If it is determined that the licensee has violated the criteria, then the leave of absence shall be immediately terminated and license revocation proceedings shall commence.

(9) A licensee shall pay all set-aside and insurance fees before the due date of the month following the month in which the leave is given. Without exception, a licensee shall pay any other monies due to the program in full within 30 calendar days after the administrator notifies the licensee, in writing, of the obligations. A licensee shall pay all wholesalers and suppliers who have supplied goods and services at a program vending facility in full or pursuant to any agreement made between the licensee and the supplier.

(10) Before a person returns to the program, the licensee shall totally liquidate any business connections outside of the program. When requesting reentry into the program, the person shall submit copies of his or her internal revenue service schedule C (sole proprietorship) tax form for each tax year that he or she was on leave to verify

that the leave was used for the purpose granted. The provisions of R 393.42 also apply to a self-employment leave of absence.

R 393.41 Maintaining leave of absence status.

Rule 41. If, at any time during a leave of absence granted under R 393.35, R 393.36, R 393.37, R 393.38, R 393.39 and R 393.40, evidence is brought to the attention of the administrator that an individual has not met any of the criteria described in subdivision (a), (b), and (c) of this subrule, then the individual may return to the program only as a potential licensee who does not have program seniority:

- (a) A licensee shall pay all set-aside and insurance fees before the due date of the month following the month in which the leave was given.
- (b) A licensee shall pay any other monies due to the program within 30 days of written administrator notification to the licensee of the obligation.
- (c) A licensee shall pay all wholesalers and suppliers who supplied goods and services at a program vending facility in full pursuant to any agreement made between the licensee and the supplier.

R 393.42 Return from leave of absence.

Rule 42. (1) A vending facility that a licensee left for a long-term leave of absence shall not be reserved for the same licensee upon reentry into the program.

(2) To return to active status after a leave of absence, a licensee is responsible for meeting all program requirements added since the leave of absence commenced.

(3) A licensee may reenter the program by bidding on any available locations as they become available for bid.

(4) A licensee reentering the program bids as a licensee with the amount of seniority accrued at the time the leave of absence commenced, but does not gain additional seniority during the time of bidding. The last evaluation given to a licensee before taking a leave of absence shall be used in awarding a returning licensee a new vending facility. The leave of absence is not terminated until the licensee signs a vending facility agreement.

R 393.43 Satellite sites.

Rule 43. (1) If a potential concession is not expected to return to the licensee at least 120% of the applicable current federal minimum wage based on a 1-year business cycle, then a satellite site may be established. A determination to establish a satellite site shall be made by the commission with input from the locations subcommittee of the committee.

(2) If a concession or a potential concession does not meet the requirements stated in subrule (1) of this rule, the concession or potential concession may become a satellite of an existing concession. The satellite shall be in the immediate vicinity of the existing concession. This subrule does not apply when a potential satellite is part of an existing facility as defined in 20 C.F.R. §395.1(h)(A).

(3) A satellite shall not be established unless the state licensing agency determines that the facility will produce revenues in excess of costs. A value shall be assigned to all unpaid labor based upon the prevailing wage rate for people in the community doing the same or similar work, which shall be determined from information provided by the Michigan unemployment agency. A licensee shall produce an acceptable written plan that shall include all of the following information:

- (a) The number of additional employees.
- (b) The amount of storage space.
- (c) The level of service to be provided to customers (visits per day).
- (d) The means to be utilized for transporting stock, for example, hand cart, car, or van.

(4) If no licensee in the immediate area submits a profitable plan for a satellite, then the administrator may, if practical, arrange for a private vending company to provide the requested services on a contractual basis and to forward the commissions as unassigned vending machine income to the set-aside account. At the end of a 1-year business cycle, each unassigned facility contract shall be reviewed to determine whether the facility may be established as a satellite vending facility or a separate facility.

(5) When a concession that has satellites is to be placed for bid, the satellite or satellites shall be evaluated to determine whether each satellite can be an independent concession as described in subrule (1) of this rule.

(6) Preference shall be given in the assignment of equipment and other resources to state and federally mandated facilities and to other existing facilities.

(7) The vending facility agreement shall be amended each time a site is added to or removed from a facility.

R 394.44 Licensee assistance and training generally.

Rule 44. (1) To ensure the maximum financial return and that employment opportunities for successive blind persons are preserved, a licensee shall receive reasonable systematic assistance and in-service training in all of the following areas:

- (a) The keeping of accounts.
- (b) The selection and purchase of suitable merchandise.
- (c) The maintenance of a clean and attractive vending facility.
- (d) The proper cleaning, maintenance, and sanitation of equipment.
- (e) The utilization of sound business practices and methods.

(2) A licensee shall receive upward mobility training including further education and additional training or retraining for improved work opportunities. Upward mobility training includes training a vending facility licensee to become a cafeteria facility licensee, which is appropriate upward mobility training as described in subrule (4)(a) of this rule.

(3) When a licensee and his or her promotional agent have identified specific training needs that would improve the management of a vending facility, the promotional agent may arrange for the training. The following training is authorized:

- (a) Classroom training at the Michigan commission for the blind training center in Kalamazoo.
- (b) On-the-job training, either at a licensee's facility or at another program facility.
- (c) Regional group training classes.
- (d) Training provided by a third person that is approved by the commission or training provided by another pre-approved source.

(4) The commission shall reimburse a licensee for training only under the following conditions:

- (a) The training improves management skills related to current operation or leads to upward mobility within the program.
- (b) The training was requested in writing and pre-approved by program staff.
- (c) The training is completed successfully.

(5) Ongoing vending machine training shall be offered periodically.

(6) All commission-sponsored group training activities shall be announced on the bid line or by other appropriate means.

(7) It is the responsibility of the program licensee to make all training requests.

R 393.45 Vending facility training for existing cafeteria licensees.

Rule 45. To be awarded a vending facility, an existing cafeteria licensee who has not completed classroom and on-the-job snack bar and vending training, shall complete the following training:

- (a) One week of classroom training, including both of the following:
 - (i) Two days of training regarding the Randolph-Sheppard act of 1936, P.L. 74-732, as amended by P.L. 83-565 and P.L. 93-516 (20 U.S.C. §107 et seq.), the act, and rules promulgated under the act.
 - (ii) Equipment certification on all program equipment.
- (b) Vending machine on-the-job training, as determined by the commission board with the active participation of the committee. Both the training report and the vending facility on-the-job training evaluation shall be submitted to the program administrator for approval before being eligible for the award of a vending facility.

R 393.46 Cafeteria training for licensees.

- Rule 46. (1) Under the Randolph-Sheppard act of 1936, as amended, as specified in 20 U.S.C. §107 et seq., a licensee is eligible for upward mobility training. Training a vending facility licensee to become a cafeteria facility licensee is appropriate upward mobility training. An individual plan for employment is developed for a client who participates in upward mobility training.
- (2) Entry into the program as a cafeteria vending facility licensee requires college-level academic competencies and on-the-job training, as determined by the commission board with the active participation of the committee, and as published in the program operating manual. For a licensee who is managing a vending facility, a portion of the college-level academic competencies and cafeteria on-the-job training, as determined by the commission board with the active participation of the committee, is required. The remaining portion of the college-level academic competencies as determined by the commission board with the active participation of the committee, shall be completed by the licensee within a time period specified by the commission board with the active participation of the committee.
- (3) College-level competencies may be obtained at institutions of higher education offering programs in food service or motel and hotel management.
- (4) If a licensee who is managing a vending facility applies to become a cafeteria vending facility licensee, then the licensee shall first be referred to the cafeteria promotional agent for a successful interview before referral to the vocational rehabilitation program for the case file to be reopened.
- (5) If a candidate is considered to be not appropriate to become a cafeteria vending facility licensee by the promotional agent, then the candidate shall be referred to the vocational rehabilitation counselor for alternative services. A candidate shall not be admitted to the program without a satisfactory interview.
- (6) It is the responsibility of the licensee to do all of the following:
- (a) Provide the program administrator with a grade report within 30 days of completion of the academic period.
 - (b) Maintain a 2.0 grade point average over the entire academic career.
 - (c) Complete all classes during the academic period.
 - (d) Fully utilize recording services and volunteer reader services.
 - (e) Apply for financial assistance each academic year.
 - (f) Complete the remaining requirements of the college-level academic competencies.
- (7) When a licensee enrolled in a college or university fails to meet the conditions identified in subrule (6) of this rule, the deficiencies shall be reviewed by the administrator or his or her designee, and the client. If necessary, the licensee shall be informed that he or she is being placed on probation by the commission and that failure to meet the conditions for eligibility within the next academic period shall result in complete discontinuance of support by the commission. A grade of incomplete received by the client shall be made up during the next academic period.
- (8) The probationary status identified in subrule (7) of this rule pertains only to financial academic support, not to the licensure of a licensee.

(9) When a licensee has successfully completed the college-level academic competencies, she or he shall forward the documents to the promotional agent. The promotional agent shall provide confirmation that college-level competency requirements have been met.

(10) After a licensee completes the initial portion of the academic competencies, the cafeteria promotional agent shall arrange for on-the-job training for the licensee.

(11) Failure to complete the additional college-level competency areas within the time period specified in subrule (2) of this rule after being awarded a cafeteria license shall result in commencement of license revocation. The time period for completing the academic requirements begins on the date the licensee signs the vending facility agreement for the operation of the cafeteria.

(12) A licensee who fails to complete the additional college-level competency areas within the time period specified in subrules (2) and (11) of this rule is not precluded from bidding on a facility of another type before the expiration of the time period.

R 393.47 Licensee promotions and demotions.

Rule 47. (1) The bid process is governed by this rule. A licensee may be promoted to another, or a more profitable, vending facility when a vending facility becomes available. To be promoted, a licensee shall bid on the facility, be willing to relocate, and be qualified. All of the following shall be included as licensee qualification factors:

(a) Certification to operate the specific type of facility.

(b) Evaluation of past performance.

(c) Participation in the in-service training programs.

(d) Seniority.

(e) Compliance with all program rules and regulations. When all factors are equal, seniority shall prevail. Promotion procedures shall be uniformly applied and developed with the active participation of the committee.

(2) A licensee shall participate in mandatory in-service training and shall not be eligible for promotion until training is completed. A licensee may be excused from mandatory in-service training only with written supervisory approval.

(3) When a licensee has demonstrated an inability to operate the present vending facility under uniformly applied program standards, developed with the active participation of the committee, the licensee may be demoted or transferred to another vending facility that the licensee is considered qualified to operate, if a facility is available. If a facility is not available, then the licensee shall be removed from the present facility and the licensee's name shall be placed on the potential licensee's list until a facility is available. Demotion and transfer or removal of a licensee shall conform to the procedures outlined in R 393.13, R 393.14, R 393.15 and R 393.16.

R 393.48 Bid process generally.

Rule 48. (1) The commission shall announce available locations on a bid line, which shall be routinely updated.

(2) A licensee shall learn of available locations by calling the bid line.

(3) A licensee may place a bid by calling the established line to record his or her bid on a vending facility.

(4) The administrator awards the vending facility to the licensee under the criteria established in these rules.

(5) A licensee shall accept the vending facility both verbally and in writing.

R 393.49 Bid line.

Rule 49. (1) A message of available locations shall be placed on the bid line on the same day each week unless extenuating circumstances exist. The message announcement shall include all of the following information:

(a) The vending facility number. A potential licensee shall use the number when bidding on the facility.

- (b) The geographic location of the facility (building/city).
- (c) The facility type.
- (d) The estimated gross sales.
- (e) The name of contact person.
- (f) The estimated date of availability.
- (2) If the bid announcement day is a state holiday, then bids for that bid cycle shall be updated on the next state working day of that week.
- (3) The deadline for submitting a bid is the following week's announcement day at noon.

R 393.50 Bidding procedure.

- Rule 50. (1) The bid line shall contain instructions for placing a bid. Program staff shall record the bid with the date and time it was placed.
- (2) A bid may be placed from 5 p.m. on the bid day until noon on the following bid update day.
 - (3) Program administrative staff shall offer the open vending facility to the successful bidder. The candidate shall either commit to the vending facility or decline the offer in writing within 72 hours after the close of bids. If the first candidate declines, then program staff shall continue the same award procedure, moving down the list of eligible licensees or potential licensees until the facility is awarded.
 - (4) Failure to make a commitment by the noon deadline constitutes declining the offer and the opportunity shall be offered to the next licensee on the list.
 - (5) A licensee who is awarded a vending facility shall be announced in the week after the award.
 - (6) A licensee is considered installed in a vending facility when an agreement has been signed.
 - (7) If a potential licensee does not bid and accept a facility within 3 years, he or she shall take a commission designated retraining course as approved by the commission board, with the active participation of the committee. Failure to retake training results in deletion of the potential licensee's name from the potential list and the potential licensee is not eligible to bid or accept a facility within the program.

R 393.51 Bid award for vending facility.

- Rule 51. (1) For the award of a vending facility, seniority is based on the number of days in which a licensee is licensed in the program. Bidders are ranked by their seniority and on the basis of all of the following:
- (a) The most recent evaluation score. A satisfactory score is the minimum requirement.
 - (b) The date of transfer into the current facility. Six months in the current facility is the minimum requirement.
 - (c) The status of set-aside payments or reports. A licensee who submits late reports or accompanying set-aside payments is ineligible for promotion until 30 days after the time and date stamp of the delinquent report and the postmark receipt date of appropriate monies.
 - (d) Training appropriate to the facility for which the bid was placed.
 - (e) The profit percentage of the high bidder's vending facility for the most recent 3 report months must meet the standard set forth in R 393.1.
 - (f) Documentation on file with the commission that the licensee is in compliance with workers' compensation laws, unemployment tax laws, and liability insurance requirements.
- (2) From acceptance of a bid until the projected operation date of a vending facility, a successful bidder may not bid on another vending facility. If the vending facility doesn't open on time, then a licensee may bid on a second vending facility. If the licensee is awarded the second vending facility, his or her name is withdrawn from consideration for the first vending facility. The vending facility location shall be offered to the next qualified bidder.

- (3) Locations that are not awarded to a current licensee shall be offered in order of seniority to persons on the potential licensee list who have bid. Certification as a potential licensee and seniority on the list of potential licensees are the criteria for award to a potential licensee, as set forth in the program operations manual.
- (4) For nonmandated facilities, the building grantor may hold an interview and choose a candidate from a list of qualified bidders provided by the program. The commission shall not be involved in the final decision. If a bidder is offered a nonmandated vending facility and does not accept it, then the rejection of the offer shall be confirmed in writing by the bidder.
- (5) Bid acceptance shall be addressed to the program administrator at the commission.
- (6) All rejections of offers shall be directed to the commission within 72 hours after the offer is made. A future bid shall not be considered until a letter declining a previous offer is received.

R 393.52 Committee; creation; powers and duties.

Rule 52. (1) The committee shall consist of 11 members elected by the licensees. The members shall serve for a period of 2 years, except that 5 initial members shall serve for 1 year and 6 initial members shall serve for 2 years. Thereafter, all members shall be elected for 2-year terms. A quorum of the committee shall annually elect, by a majority vote, 1 of its members to serve as chairperson. Committee members shall be licensees.

(2) The committee shall do all of the following:

- (a) Meet not less than 4 times annually at places designated by the committee. The business that the committee may perform shall be conducted at a public meeting held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being §15.261 et seq. of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.
- (b) Actively participate with the commission in major administrative decisions and policy and program development decisions affecting the overall administration of the state's vending facility program.
- (c) At the request of the licensees, receive and transmit grievances to the commission and serve as an advocate for the licensees in connection with grievances.
- (d) Actively participate with the commission in the development and administration of a state system for the transfer and promotion of licensees.
- (e) Actively participate with the commission in the development of training and retraining programs for licensees.
- (f) Sponsor, with the assistance of the commission, meetings and instructional conferences for licensees within the state.
- (g) Between regular meetings, carry on its duties through subcommittees or individual members designated by it.
- (h) Receive advance written notice from the commission of matters within the committee's purview that are being considered for decision. The commission may waive the requirement of advance notice in an emergency.
- (i) Initiate matters for consideration by the commission, and advise interested parties regarding the state's vending facilities program.
- (j) Record and transcribe committee minutes.

(3) The subcommittee chairperson shall ensure that subcommittee members are notified of subcommittee meetings.

(4) Set-aside funds may be used for the support of committee activities, not to exceed 5% of the set-asides collected during the fiscal year.

(5) The commission shall have the ultimate responsibility for administering the state vending program and may reject the recommendations of the committee. If rejection occurs, then the commission shall notify the committee, in writing, within 15 working days of the commission's decision, informing the committee why the recommendation was rejected.

R 393.53 Committee election and representation.

Rule 53. The commission shall conduct the annual election of the members of the committee. The committee shall be fully representative of all licensees in the program on the basis of factors such as geography and vending facility type, with a goal of providing for proportional representation of licensees on federal, state, and other property.

R 393.54 Dispute resolution.

Rule 54. (1) Any decision of the program is appealable.

(2) Dispute resolution shall commence with an attempt to resolve problems between a licensee and a promotional agent through direct discussion. A licensee shall initiate dispute resolution by contacting the promotional agent and verbally communicating about the problem or by submitting a written communication stating the problem. The licensee's communication shall include a proposed solution. The promotional agent shall document the attempted resolution.

(3) If a promotional agent is unable to resolve the problem with the licensee, then a licensee may request an administrative review by the commission.

R 393.55 Administrative review.

Rule 55. (1) The purpose of an administrative review is to provide an informal procedure to enable a licensee to seek a remedy for dissatisfaction with an action of the commission arising from the operation or administration of the vending facility program that does not directly involve suspension and termination of a licensee's license. The commission shall make every effort to resolve licensee complaints at the administrative review level, since the resolution of disputes at the earliest possible time is mutually advantageous to all parties concerned. Resolution efforts are not intended to discourage or interfere with the licensee's rights to pursue the formal full evidentiary hearing process. A licensee may request, in writing, an administrative review within 15 working days from the date of the mailing, or the receipt, of notification of the commission action sought to be reviewed. This review shall be by a member or members of the administrative staff of the commission who have not directly or indirectly participated in the commission action in question. A written request for an administrative review shall contain a description of the complaint and the remedy that is sought. The request for an administrative review shall include all of the following information:

(a) The action with which the complainant is dissatisfied and the date of the action.

(b) A citation to the promulgated rule that has been violated or a statement of the injury incurred by the complainant.

(c) A proposed remedy to the complaint.

(2) An administrative review shall be held at a time and place mutually agreed upon by the commission and the complainant. An administrative review shall be held during regular commission working hours at a district or local commission office. An administrative review shall be conducted within 15 working days of receipt by the commission of a written request, notwithstanding extenuating circumstances.

(3) Transportation, reader service, or other communication services, if needed, shall be arranged for the licensee by the commission.

(4) The requested actions and decisions resulting from the review shall be maintained as part of the official record of the administrative review process.

(5) If an informal administrative review does not resolve the dispute to the satisfaction of the licensee, then the licensee may submit a request, to the commission, for a full evidentiary hearing.

R 393.56 Evidentiary hearings.

Rule 56. (1) A licensee who is dissatisfied with an action of the commission arising from the operation or administration of the vending facility program may file a complaint with the commission requesting a full evidentiary hearing as required by the Randolph-Sheppard act of 1936, as amended, 20 U.S.C. §§107 to 107f, and the provisions of 34 C.F.R. §395.13 (July 1, 1981). When a licensee is licensed, he or she shall be informed, in writing, of his or her right to, and the procedures to be followed in obtaining, a full evidentiary hearing.

(2) To request a full evidentiary hearing, a licensee shall file a written request with the commission within 15 working days from the date of the mailing of the decision issued as a result of an administrative review. If a licensee's request for a hearing is not timely, and if there is no showing of good cause for a late request, then the commission's administrative review is final.

(3) The commission, which shall be considered a party to an appeal, shall have 15 working days from service of the request for a hearing to file a response with the hearings office.

(4) The hearings office shall have 15 working days after receipt of the agency response to notify both parties of the time, date, and place of the hearing. The hearing shall be held at a time and place that is convenient to the licensee who is requesting a full evidentiary hearing.

(5) Hearings shall be conducted pursuant to the procedures in contested cases set forth in chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.271 to 24.287 of the Michigan Compiled Laws.

(6) Witnesses may be subpoenaed by the hearings officer on his or her own motion. Witnesses requested by the parties may also be subpoenaed by the hearings officer if the evidence of the witnesses is considered necessary and is not cumulative. Witnesses subpoenaed shall be allowed fees at the rate fixed by law. Witnesses the commission subpoenas shall be paid by the commission out of the funds appropriated for its administration.

(7) Any person may be represented by an attorney or other representative or may represent himself or herself.

(8) The hearings officer shall render a written proposed decision after the record is closed.

(9) If all requested documentation is available to the commissioners, they shall have 60 calendar days from receipt of the proposed decision to render a final agency decision.

(10) If a licensee is dissatisfied with the final agency decision, then the licensee may request that an ad hoc arbitration panel be convened, as authorized by the provisions of 34 C.F.R. §395.13 (July 1, 1981).

(11) A licensee shall be advised that the decision of the ad hoc arbitration panel is final and binding on the parties, unless the decision is appealed pursuant to the provisions of the government organization and employees act, 5 U.S.C. §101 et seq.

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NOTICE OF PUBLIC HEARING

ORR #1995-002

MICHIGAN COMMISSION FOR THE BLIND

FAMILY INDEPENDENCE AGENCY

The Michigan Commission for the Blind, Family Independence Agency, will conduct public hearings on proposed administrative rules promulgated pursuant to Public Act 260 of 1978. These proposed rules rescind the existing vending facility program administrative rules (R 393.101-R 393.113, Michigan Administrative Code) and promulgate new rules that incorporate amendments to the federal Randolph-Sheppard Act and provide for the administration and operation of the Commission's vending facility program. These public hearings provide opportunity for the public to offer data, views and arguments regarding the proposed vending facility program rules.

The PUBLIC HEARINGS will be held:

Tuesday, August 6, 2002 at 10 a.m.
Grand Tower
1st floor, Dempsey Conference Room
235 S Grand Avenue
Lansing, Michigan

Tuesday, August 13, 2002 at 10 a.m.
Cadillac Place
1st floor, suite 118
3038 W Grand Boulevard
Detroit, Michigan

Copies of the proposed rules (ORR 1995-002 FI) may be downloaded from the Internet through the Office of Regulatory Reform's web site (<http://www.michigan.gov/orr>). Braille and print copies of the proposed rules may be obtained by calling, visiting, writing or e-mailing:

Michigan Commission for the Blind
Business Enterprise Program
P O Box 30015
201 N Washington Square, 2nd floor
Lansing, Michigan 48909
800/292.4200
Rolisonv@michigan.gov

All interested persons are invited to attend and present their views. Persons attending the hearing are urged to submit a written summary of remarks as part of their presentation. Submission of written comments pertaining to the proposed rules in no way prohibits or limits the right of oral expression by any person at the hearings.

Persons unable to attending the public hearings may submit comments in writing to the Michigan Commission for the Blind at the address above. Written comments must be received by 5:00 pm EDT on Tuesday, August 13, 2002.

All public hearing sites are barrier free. Persons needing other accommodations for effective participation in the hearings should contact the Michigan Commission for the Blind at 517/373.3759 at least one week before the hearing date.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, as amended, being Sections 24.241 and 24.242 of the Michigan Compiled Laws. These rules will become effective seven days after filing with the Secretary of State.

Patrick Cannon, Director
Michigan Commission for the Blind

PROPOSED ADMINISTRATIVE RULES

ORR # 1998-034

DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ADMINISTRATIVE HEARINGS

CONTESTED CASE AND DECLARATORY RULING PROCEDURES

Filed with the Secretary of State

These rules take effect 7 45 days after filing with the Secretary of State

(By authority conferred on the department of environmental quality by sections 33 and 63 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.233 and 24.263 of the Michigan Compiled Laws) ~~Executive Order 1995-18; the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, being MCL 324.101 et seq.; Executive Order 1996-1; Public Health Code, 1978 PA 368, as amended, being MCL 325.1001 et. seq.; the Safe Drinking Water Act, 1976 PA 399, as amended, being MCL 333.1101 et seq.; Executive Order 1997-2 and Executive Order 1998-2; Fire Prevention Code, 1941 PA 207, as amended, being MCL 29.1 et. seq.; and the Administrative Procedures Act, 1969 PA 306, as amended, being MCL 24.201 et seq.)~~

PART I. GENERAL PROVISIONS

R 324.1 Definitions.

Rule 1. (1) As used in these rules:

- (a) “Act” means ~~Act No. 306 of the Public Acts of 1969, PA 306, MCL as amended, being 24.201 et. seq. of the Michigan Compiled Laws, and known as the administrative procedures act of 1969.~~
 - (b) “Administrative law judge” means presiding officer as referred to in the act and the person designated by the director to conduct hearings under these rules.
 - (c) “Department” means the department of environmental quality.
 - (d) “Director” means the director of the department ~~of environmental quality.~~
 - (e) “Final decision maker” means the director or any other person to whom the director has delegated ~~such~~ ~~(what authority?)~~ FINAL DECISION MAKING authority IN CONTESTED CASES.
 - (f) “Office” means the office of administrative hearings within the department ~~of environmental quality.~~
 - (g) “Petition” means a petition for a contested case hearing.
 - (h) “Petitioner” means a person who files a petition for a contested case hearing.
 - (i) “Respondent” means a person against whom a contested case proceeding is commenced.
 - (j) “Tribunal” means the adjudicative body within the department that conducts contested case hearings.
- (2) Words defined in the act have the same meaningS when used in these rules.

R 324.2 Construction of rules.

Rule 2. These procedural rules shall be construed to secure a fair, efficient, and impartial determination of the issues presented in contested cases consistent with due process and safeguarding the rights of the parties.

R 324.3 Scope OF RULES; statutory procedures; absence of procedures.

Rule 3. (1) These rules govern all contested case proceedings before the department and requests for declaratory rulings.

(2) If a contested case is brought pursuant to a statute that provides governing procedures, the portions of these rules that are inconsistent with the statutory provisions do not apply, but any portion of these rules that is consistent with the statutory provisions apply in addition to those procedures. However, these rules ~~shall~~ DO not apply to proceedings under Parts 615 and 617 of ~~the Natural Resources and Environmental Protection; being~~ 1994 PA 451, MCL 324.61501, et seq.; ~~MSA 13A 61501, et seq., and MCL 324.61701, et. seq.; MSA 13A 61701, et seq., respectively.~~

(3) If ~~no~~ A rule DOES NOT addresses an issue of procedure, THEN chapter 4 of the act shall govern.

PART 2. COMMENCEMENT OF CONTESTED CASE PROCEEDING

R 324.21 Petition for contested case; required information; submission to the office; acknowledgment of receipt.

Rule 21. (1) A written petition for a contested case shall be on the form provided by the department or other document; and shall include all of the following INFORMATION:

- (a) Facts or conduct that warrant a contested case.
- (b) The identity of the persons involved and their relationship to the subject matter.
- (c) Specific sections of applicable statutes and rules, if known.
- (d) The specific remedies sought.
- (e) A copy of the department's decision being challenged, if made in writing.

(2) The petition shall be signed by the person requesting a contested case or the person's authorized representative. A petition shall be mailed or delivered to the department. The date of receipt by the department shall be the date a petition is filed. Unless otherwise stated in a statute, a petition shall be filed within 60 days from the date of the department's decision to be considered timely. A person shall submit a petition on a form provided by the department or A document ~~complying~~ THAT COMPLIES with the requirements with subrule (1) OF THIS RULE.

R 324.22 Investigation of petition; determination of tribunal; failure to provide opportunity to show compliance; notice to petitioner.

Rule 22. (1) Within a reasonable time after receipt of a petition for a contested case, the office, in conformity with any applicable statute or that rule, shall take ~~one~~ 1 of the following actions:

- (a) Request THAT the petitioner submit an amended petition providing a more detailed and definite statement of issues.
- (b) Place the petition on the docket of pending cases and acknowledge, in writing, its receipt and that a case is opened. The acknowledgement shall be sent to all parties, and the permit holder if applicable.
- (c) Take any other appropriate action within its authority, including, but not limited to, the issuance of a sua sponte order of dismissal.

(2) If a petition raises questions relevant to a proper disposition of the petition, THEN the department may be requested to respond to the petition in writing. Following any action under this subrule, ~~one~~ 1 of the actions under subrule (1) OF THIS RULE shall be taken.

(3) The petitioner shall be notified of any decision made under subrules (1) and (2) and shall be provided with a written explanation of the reasons for the decision.

(4) If it is determined the department has failed to provide the petitioner an opportunity to show compliance as required by §92 of the act, the matter shall be returned to the department for issuing a notice for an opportunity to show compliance or such other action as may be appropriate.

R 324.23 Contested case docket; docket numbers; notice to parties of docketing a case; commencement of contested case proceeding; no progress docket.

Rule 23. (1) The office shall maintain a docket of all pending petitions.

(2) A case docket number shall be assigned to all petitions. The number shall correspond, ~~whenever~~ IF possible, to the permit, application, or document number used by the department in the matter that is the subject of the petition. Parties shall include the docket number and petitioner's name on the first page of all pleadings or correspondence filed in a case.

(3) The office shall provide a copy of the petition to the respondent, and inform all parties of the docket number at the time of acknowledgment. ~~This~~ THE acknowledgment shall be considered notice of the commencement of the contested case proceeding.

(4) A no progress docket shall be maintained by the office. Failure of a petitioner to ~~timely~~ respond IN A TIMELY MANNER to any directive of the office may result in placing the case on the no progress docket.

(5) A party whose case is placed on the no progress docket shall be given notice and time to show cause why the case should not be dismissed for undue delay. A party shall submit the requisite documents, or otherwise respond to unanswered requests, as part of that party's response to the notice. If a party fails to respond to the notice within 21 days of its date, the case shall be dismissed with prejudice.

R 324.24 Service of notice by office; service by party; service on attorney; manner of service; proof of service.

Rule 24. (1) The office shall serve documents by first-class mail, unless otherwise required by statute. A copy of all documents shall be included in the case file. No proof of service shall be required of the office.

(2) Service by a party shall be made in person or by mail as specified in subrules (3) and (4) of this rule. A party shall serve all documents and pleadings filed in a contested case on all other parties. Service of documents shall be made on a party's attorney who has filed an appearance, if any, and shall be effective as service on the party.

(3) Personal service may be used ~~whenever~~ IF service by mail is required or permitted, unless otherwise required by statute. Personal service shall be made on a person or party by leaving orders, notices, and other documents with the person or party or with a party's attorney of record.

(4) Service by mail shall be accomplished by complying with both of the following requirements, except as otherwise required by statute:

(a) Enclosing a copy of the document or pleading in a sealed envelope with postage fully prepaid and addressed to the person to be served at that person's last known address. The envelope shall list the return address of the sender.

(b) Depositing the envelope and its contents in the mail.

(5) A person or party who has served a document or pleading in a contested case shall file with the office a proof of service at the time of filing the original pleading or document with the office. Proof of service shall be made as follows:

(a) If service is made by mail, proof of service shall be made by filing a certification of service that shows compliance with subrule (4) of this rule by specifying all of the following:

(i) The method of service.

- (ii) The identity of the server.
- (iii) The date and place of mailing.
- (iv) The address where the materials were mailed.
- (b) If the service is made by personal service, proof of service shall be made by filing an affidavit of service certifying all of the following:
 - (i) The method of service.
 - (ii) The identity of the server.
 - (iii) The person served.
 - (iv) The date and place of service.

PART 3. FINAL DECISION MAKER AND ADMINISTRATIVE LAW JUDGES

R 324.31 Final decision maker and administrative law judge; disqualification; motions; ruling on motions; review by office; oral motions; review by office.

Rule 31. (1) The final decision maker or an administrative law judge shall withdraw from a case if that person deems ~~themselves~~ HIMSELF OR HERSELF personally biased, prejudiced, or otherwise disqualified to preside. Withdrawal shall be noted on the record and shall disclose the nature of the personal bias, prejudice, or disqualification. The director shall designate a replacement.

(2) A party may file a written motion to disqualify the final decision maker or an administrative law judge. A motion to disqualify shall be filed ~~prior to~~ BEFORE the commencement of hearing or as soon as practicable after discovery of the alleged grounds for disqualification. A motion to disqualify shall be supported by an affidavit conforming to the standards of § SECTION 79 of the act and the Michigan court rules. An allegation that the administrative law judge is an employee of the department ~~shall~~ DOES not constitute a sufficient basis for disqualification.

(3) The administrative law judge presiding over the case shall rule on the motion to disqualify.

R 324.32 Administrative law judge; powers.

Rule 32. An administrative law judge may exercise the powers specified in § SECTION 80 of the act and any power described in these rules or delegated by the director pertaining to presiding officers.

R 324.33 Ex parte contact with final decision maker or administrative law judge.

Rule 33. Direct or indirect contact with the final decision maker or the administrative law judge who presides over the case by a party, a party's attorney, or any other person on behalf of a party concerning the merits of a case pending review is ex parte communication. Ex parte communication is prohibited and will subject a party or counsel to appropriate sanctions under R 324.59(2) or disciplinary action.

PART 4. PREHEARING CONFERENCES

R 324.41 Prehearing conference; purpose.

Rule 41. (1) The administrative law judge may direct the parties to appear at the time and date established by the office for 1 or more prehearing conferences in order to DO ANY OF THE FOLLOWING:

- (a) Simplify and clarify factual and legal issues.
- (b) Consider amendments to pleadings.
- (c) Obtain admissions and stipulations of fact or ~~to~~ authenticate evidence.
- (d) Expedite the discovery and presentation of evidence.

- (e) Produce all proposed exhibits in the possession of a party.
 - (f) Identify witnesses and generally describe the issues on which they may testify.
- Set a time for the exchange of any written testimony.
- Estimate the time required for the hearing.
- Discuss settlement or other disposition of the case.
- Set time limits for discovery, motions, and other matters.
- Determine the parties to the case.
- (l) Set the time limit for the exchange of proposed exhibits and witness lists.
 - (m) Set the date, time, and place for the hearing.
 - (n) Consider other matters that may aid in the disposition of the proceedings.
- (2) The administrative law judge may conduct a prehearing conference by a telephone conference call.

R 324.42 Prehearing conference; failure to appear; binding nature of conference; memorandum on witnesses and exhibits.

Rule 42. (1) If a party fails to appear for a prehearing conference after proper service of notice, and if no adjournment is granted, the administrative law judge may proceed with the conference. A party who fails to attend the conference without good cause shall be subject to any procedural agreements reached and any procedural order or procedural ruling made with respect to matters addressed at the conference, and the case may be placed on the no-progress docket.

(2) The administrative law judge may order each party to exchange a list of witnesses the party intends to call and offer testimony at the hearing. The witness list shall identify the witness and contain a brief recitation of each witness's anticipated testimony. The curriculum vitae of a witness, who will be offered as an expert, shall be provided with the witness list. A witness not identified by the date established shall not be allowed to testify at the hearing without showing good cause. A witness not identified as required may be allowed to testify for the purpose of rebutting the exhibits or testimony of another party.

(3) The administrative law judge may order each party to exchange, or if appropriate identify, all proposed exhibits intended to be introduced during the party's direct case. An exhibit not exchanged or identified by the date established may not be entered on the record unless good cause is shown. The parties may stipulate to a schedule for the exchange of such materials, subject to the approval of the administrative law judge.

R 324.43 Prehearing conference; record of rulings and orders; summary; copies and corrections.

Rule 43. After a prehearing conference, the administrative law judge shall issue a conference summary setting forth the date, time, and place of the hearing. The conference summary shall also describe the agreements of the parties regarding the date for the exchange of witness lists and proposed exhibits, dates for filing motions and responses, discovery, and any other attendant matters. The conference summary shall also set forth the factual stipulations of the parties. All of the terms and conditions in the conference summary shall become binding on the parties absent the filing of a written objection within the time prescribed ~~therein~~ **IN THE CONFERENCE SUMMARY.**

PART 5. PREHEARING MATTERS

R 324.51 Appearance by attorney.

Rule 51. An attorney who represents a party in a contested case shall promptly file an appearance with the office.

R 324.52 Pleadings and other documents; form; statements of facts; answer; certification; manner of filing; time limits.

Rule 52. (1) Pleadings and other documents, including all of the following, may be permitted by the administrative law judge:

- (a) An administrative complaint.
- (b) A petition for contested case proceeding.
- (c) Answers.
- (d) Memoranda.
- (e) Motions, briefs, and affidavits in support OF, and responses to, a motion.

(2) Pleadings and other documents shall include the title and docket number of the case and be submitted on 8½ by 11-inch paper. The Michigan court rules may be used as to all matters of form.

(3) The paragraphs of an answer or response shall be numbered to correspond to the numbered paragraphs, if any, of the pleading to which they respond. If a pleading does not contain numbered paragraphs, the answer or response shall address the issues in the order presented.

(4) The original of each petition, pleading, or other documents shall be signed by the submitting party or by the party's authorized representative. The signature of an attorney constitutes a certification by the attorney that he or she has read the document; that to the best of the attorney's knowledge, information, and belief it is well grounded in fact and supported by law; and that it is not interposed for unwarranted delay, harassment, or any other improper purpose.

(5) Pleadings and other documents shall be filed by sending or delivering them to the office at its Lansing address, unless otherwise directed. The date of receipt or delivery at the office shall be used to determine whether a pleading or other document has been ~~timely~~ filed IN A TIMELY MANNER, unless the administrative law judge orders otherwise.

(6) If a pleading or other document is not filed in accordance with applicable time limits, THEN a party may move that it be stricken from the record. The motion shall be granted if the party making the late filing does not show good cause and the late filing will not prejudice the moving party.

R 324.53 Facsimile transmission of documents.

Rule 53. The office permits the use of facsimile communication equipment for the filing of documents. The following provisions govern the use of facsimile equipment for the filing of documents:

~~(4)~~(a) All filings shall be on 8½ x BY 11-inch paper and consist of not more than 20 pages at any one time.

~~(2)~~(b) A cover sheet that includes ALL OF the following information SHALL ACCOMPANY EACH TRANSMISSION:

- (i) case name.
- (ii) case number.
- (iii) document title.
- (iv) name.
- (v) telephone number, and facsimile number of the sender.

~~(3)~~ (c) Documents received in the office after 5 p.m. eastern time are considered filed on the following business day.

~~(4)~~(d) The original document shall be sent to the office by mail contemporaneous with the facsimile filing. Upon receipt of the original document, the office shall retain only the cover page of the facsimile filing in its file in order to verify the date of filing.

~~(5)~~ (e) For purposes of R 324.52(4), a signature includes a signature transmitted by facsimile communication equipment.

R 324.54 Electronic filing of pleadings and documents.

Rule 54. The office may permit the filing and service of pleadings and documents by electronic mail in circumstances that further the purpose of R 324.2. The original document shall be sent to the office by mail contemporaneous with the electronic filing. R 324.53 shall be a guide in determining the filing date and retention of documents filed electronically.

R 324.55 Summary disposition.

Rule 55. A party may move for full or partial summary disposition on any of the following grounds:

- (a) The department lacks jurisdiction over the person or subject matter.
- (b) The opposing party has failed to state a claim upon which relief can be granted.
- (c) No genuine issue exists as to any material fact, and the moving party is, therefore, entitled to a favorable decision as a matter of law.
- (d) The party asserting the claim lacks standing.

R 324.56 Application for order in pending action.

Rule 56. An application for an order shall be made by motion. Unless made during a hearing, the motion shall BE IN COMPLIANCE WITH ALL OF THE FOLLOWING PROVISIONS:

- (a) Be in writing.
- (b) State with particularity the grounds and authority upon which it is based.
- (c) State the relief or order sought.
- (d) Be signed by the party or attorney.

R 324.57 Response to motion; oral argument.

Rule 57. A party may file a written response to a written motion within 14 days or within a time specified by the administrative law judge. A party may request oral argument and the request may be granted at the discretion of the administrative law judge. The administrative law judge may order oral argument if he or she believes such argument will aid in the decision making process.

R 325.58 Motion to correct or strike pleadings; failure to obey if granted; time for submission if denied; striking material.

Rule 58. (1) An opposing party may move for a more definite statement of the issues on the ground that a pleading is so vague or ambiguous that it cannot be understood or answered. The motion shall identify the defects or deficiencies.

(2) An order for a more definite statement shall be obeyed within 14 days after service of the order. If not obeyed, the administrative law judge may strike the pleading to which the motion was directed or enter any other order that is just.

(3) If a motion for a more definite statement is denied, the moving party shall file the responsive pleading that was delayed by the motion within 14 days after the date of the order.

(4) The administrative law judge, on motion by a party or on his or her own motion, may order EITHER OR BOTH OF THE FOLLOWING stricken from any pleading:

- (a) Redundant, irrelevant, immaterial, impertinent, scandalous, privileged, or indecent matter.
- (b) All or any part of a pleading not drawn in conformity with these rules.

R 324.59 Depositions; discovery; failure to comply; order directing compliance; effect of refusal to obey order.

Rule 59. (1) The taking and use of depositions and other discovery shall be allowed only upon stipulation of the parties or by leave of the administrative law judge. A motion for discovery shall not be filed unless the discovery sought has been previously requested of a party and refused. The motion shall describe the nature of the discovery sought and the purpose of the discovery. A party against whom the discovery request is directed shall have 14 days to respond to the motion or within a time frame specified by the administrative law judge. If discovery is granted, it shall proceed in the same manner as in the circuit courts. A deposition or other discovery taken pursuant to ~~the above~~ THIS SUBRULE, may be offered as evidence at the discretion of the administrative law judge.

(2) If a party refuses to obey an order issued under subrule (1) OF THIS RULE, THEN the administrative law judge, on the motion of a party or sua sponte, may enter such orders addressing the refusal as are just, including, but are not limited to, any of the following:

(a) Deem that the facts sought under the original order are established for the purposes of the proceeding in accordance with the claim of the party obtaining the order.

(b) Prohibit the disobedient party from admitting new evidence supporting or opposing designated claims or defenses.

(c) Ordering that pleadings or parts of pleadings are stricken, staying further proceedings until the order is obeyed, dismissing the proceeding or a part of the proceeding, or defaulting the disobedient party.

R 324.59a Adjournment of hearings; written motion; time for serving; exceptions.

Rule 59a. (1) A hearing may be adjourned only by order of the administrative law judge on motion by a party or sua sponte. The administrative law judge may order an adjournment on stipulation of the parties at the discretion of the administrative law judge, if it is determined an adjournment is not in conflict with R 324.2.

(2) Before a hearing commences, a motion for adjournment shall be made in writing and state with particularity the reasons why an adjournment is necessary. A written motion served less than 5 days before the date set for hearing shall not be considered unless the administrative law judge finds that an exception should be made because OF ANY OF THE FOLLOWING:

(a) The motion could not be served within the time limit for reasons not within the control of the party making the motion.

(b) The interests of justice require the exception.

(c) The parties have reached a settlement agreement and the specific date as to when the settlement will be finalized is provided in the motion.

R 324.59b Motion for extension of time.

Rule 59b. Requests for extensions of any time limit established in these rules shall be made by written motion and filed with the office before the expiration of the period originally prescribed or previously extended, except as otherwise provided by law, or by stipulation of the parties. A motion under this rule shall be granted only for good cause or on the written stipulation of the parties, and ONLY IF the order FOR EXTENSION would not be in conflict with R 324.2.

R 324.59c Accompaniment of written motion by proposed order.

Rule 59c. A written motion may be accompanied by a proposed order.

R 324.59d Application for intervention; filing; service; answers; oral argument; rulings.

Rule 59d. (1) A person ~~with~~ WHO HAS legal standing AND WHO seekingS to intervene as a party in a contested case shall file an application to intervene with the office setting forth the legal authority and facts supporting intervention. A person who files an application shall serve copies on all parties known to the person at the time of application and provide proof of service at the time of filing. The office shall advise an applicant for intervention of the names and addresses of parties not served by the applicant, who shall then serve those parties and file a proof of service consistent with R 324.24.

(2) An application under subrule (1) OF THIS RULE shall not be granted until all parties have had an opportunity to answer the application in writing, unless the applicant is the permit holder. An answer shall be filed within 14 days after the date of service of the application or within the period of time established by an order of the administrative law judge.

(3) The administrative law judge shall consider whether intervention would be in conflict with R 324.2 or prejudice the rights of the existing parties. To avoid prejudice, intervention by a person may be denied or limited.

(4) The applicable statute and rules shall govern the issue of standing in a contested case hearing and these rules shall not be construed to either expand or restrict the legal standing of any person to intervene as a party in a contested case.

R 324.59e Joint hearing; consolidation of proceedings; representative actions; notice of intent to issue order; filing of objections.

Rule 59e. (1) When contested cases involving a substantial and controlling common question of fact or law or where multiple petitions have been filed regarding the same project or application are pending on the docket, the office may, on motion of a party or sua sponte, take any of the following actions provided that the interests of the parties are not prejudiced by such actions:

(a) Order a joint hearing on any or all of the matters at issue.

(b) Order the proceedings consolidated.

(c) Make other orders concerning the proceedings to avoid unnecessary costs or delays.

(d) Appoint a representative petitioner to fairly and adequately assert and protect the interests of all petitioners.

(2) Before issuing an order sua sponte under subrule (1), the office shall serve on the parties a notice of intent to issue the order. The parties shall have 14 days from service of the notice to file objections.

PART 6. HEARINGS

R 324.61 Hearing; and location.

Rule 61. ~~The~~ A hearing shall be conducted in Lansing unless the administrative law judge orders a change of situs.

R 324.62 Hearing; record.

Rule 62. A hearing shall be conducted on the record. A certified court reporter or court recorder shall take a transcript of testimony. The record shall consist of ALL OF THE FOLLOWING:

(a) the sworn testimony.

(b) stipulations.

(c) exhibits admitted into evidence.

(d) offers of proof.

(e) pleadings and motions filed.

(f) the rulings made.

The official record, excluding transcripts, shall be made available to the parties upon request. A request for a transcript shall be made to the court reporter and the cost shall be borne by the party making the request.

R 324.63 Hearing; opening statements; closing arguments.

Rule 63. A party may make, reserve, or waive an opening statement. A party may make a closing argument. The administrative law judge may order closing arguments to be submitted in writing and may require written proposed findings of fact and conclusions of law.

R 324.64 Hearings; burden of proof; order of presentation of evidence; regulation of order of presentation; cross-examination.

Rule 64. (1) The party filing an administrative complaint or petition for a contested case hearing, a motion for summary disposition, or other motion as allowed by these rules, has the burden of proof and of moving forward unless otherwise required by law.

(2) All other parties shall present the evidence in an order determined by the administrative law judge. The administrative law judge may allow rebuttal testimony and may permit further testimony as deemed appropriate.

(3) The administrative law judge shall regulate the order of the hearing to promote the fair and efficient determination of the issues presented.

(4) Parties are entitled to cross-examine witnesses.

(5) Parties are entitled to offer evidence as to the facts at issue. Issues of law and policy are matters for argument and the administrative law judge may require they be addressed in writing.

(6) Admissibility of evidence shall be governed by section 75 of the act.

R 324.65 Witnesses; oath or affirmation; examination; written testimony; motion to strike testimony.

Rule 65. (1) Testimony of witnesses shall be taken only after an oath or affirmation is administered. A witness shall be examined orally.

(2) The administrative law judge may permit testimony to be submitted in written form or in the narrative. Testimony submitted in written form shall be filed with the office and served upon the parties not less than 14 days before a hearing scheduled in the matter unless otherwise ordered by the administrative law judge. A motion to strike written testimony shall be filed not less than 5 days in advance of the hearing unless otherwise permitted by the administrative law judge. A party submitting testimony in written form shall make the witness available for cross-examination.

(3) The administrative law judge shall issue subpoenas if authorized by statute pursuant to ~~MCL 24.273~~. SECTION 73 OF THE ACT.

PART 7. DECISION PROCESS

R 324.71 Proposal for decision; replacement of administrative law judge; exclusiveness of record, transcripts; briefs.

Rule 71. (1) The administrative law judge shall prepare a proposal for decision and serve it on the parties within a reasonable time after the hearing or the submission of written closing arguments. If the administrative law judge becomes unavailable, another administrative law judge may be assigned to read the record, including a transcription of the testimony, and to prepare a proposal for decision.

(2) A proposal for decision shall be based exclusively on the record made at the hearing. The administrative law judge may rely on his or her expertise in evaluating the facts included in the record. Except as provided for

under § SECTION 77 of the act, the administrative law judge ~~may~~ SHALL not consider facts not on the record.

(3) The administrative law judge may require or permit the parties to submit written closing arguments at a time specified. A party submitting a brief containing references to a transcript shall include the page and volume numbers of the transcript. A brief containing references to exhibits shall include the exhibit numbers and identify the page number of the exhibit cited.

R 324.72 Proposal for decision; exceptions; written arguments; responses; review on the director's own motion.

Rule 72. (1) A party may file and serve exceptions and written argument supporting or opposing a proposal for decision ~~within 21 days of its (identify?) date (of what?)~~ UNDER A SCHEDULE ESTABLISHED BY THE OFFICE.

(2) A party's written argument in support of an exception or supporting or opposing a proposal for decision shall DO ALL OF THE FOLLOWING:

- (a) Identify any specific findings of fact in the proposal for decision to which exception is taken and identify the evidence in the record supporting the party's view.
- (b) Identify specifically the evidence from the record supporting a party's view that other factual findings should have been made.
- (c) Use the names of witness and exhibit numbers when referring to the record, including transcript volumes and page numbers, if relevant.
- (d) State any specific conclusions of law to which exception is taken and the basis for the exception.
- (e) If it is believed other conclusions of law should have been reached, submit them in writing, identify the basis for them in the record, and provide arguments supporting the proposed conclusion.
- (f) Identify any policy judgment or exercise of discretion in the proposal for decision with which there is disagreement, provide argument as to why a different policy or discretionary decision is appropriate, submit a specific statement of policy or decision to replace any challenged policy or discretionary decision, and identify factors in the relevant statutes and rules supporting the proposed policy or exercise of discretion.
- (g) State specifically the proposed decision the final decision maker should render.

R 324.73 Proposal for decision; request for oral argument; opportunity for rebuttal.

Rule 73. (1) A party desiring to make oral argument in support of exceptions to a proposal for decision or in addition to written argument shall include a request in the exceptions filed under R 324.72. Oral argument may be granted by leave of the final decision maker and may be limited in scope and duration. Oral argument shall not be permitted without a written request supported by written exceptions and arguments ~~timely~~ filed IN A TIMELY MANNER. If oral argument is granted, notice shall be served on the parties.

(2) If oral argument is granted, all parties shall be given an opportunity for rebuttal argument, which the final decision maker may limit as to scope and duration.

(3) The final decision maker may schedule oral argument without a request for oral argument by a party.

R 324.74 Final decisions; evidence; date; basis for overturning proposal for decision; record for judicial review.

Rule 74. (1) Review of a proposal for decision by the final decision maker shall be restricted to the record made at the hearing and the exceptions and arguments submitted by the parties. Issues not raised in the written exceptions and arguments shall not be considered at oral argument. The final decision maker ~~may~~ SHALL not accept additional testimony or exhibits.

(2) Except as otherwise provided by law, the final decision maker shall issue a final agency decision within a reasonable time after the date for filing of any exceptions or, if oral argument is permitted, a reasonable time after argument.

(3) The final decision maker may remand, reverse, modify, or set aside a proposal for decision and make a final decision which differs from the proposal for decision. The final decision maker shall consider whether the proposal for decision IS DEFICIENT DUE TO ANY OF THE FOLLOWING:

(a) Misapplied a rule, statute, or constitutional provision governing the issues involved.

(b) Adopted an incorrect interpretation of a rule or statute or an incorrect conclusion of law.

(c) Incorporated typographical, mathematical, or other obvious errors that affect the substantial rights of ~~one~~ 1 or all of the parties to the action.

(d) Failed to address a relevant issue.

(e) Made factual findings inconsistent with the evidentiary record.

(f) Improperly excluded or included evidence that substantially affects the outcome of the case.

(4) The final decision maker's order shall include findings of fact and conclusions of law pursuant to § SECTION 85 of the act. The final decision maker may adopt the proposal for decision or any part of it as the final agency decision.

(5) The final agency decision in a contested case is the exhaustion of administrative remedies as set forth in ~~MCL 24.301~~. SECTION 301 OF THE ACT.

R 324.75 Request for rehearing; objections; effect; remand for further consideration.

Rule 75. (1) A request for rehearing shall be addressed to the administrative law judge, served on the parties, and shall state the grounds upon which the moving party relies. ~~No~~ A response to the motion ~~may~~ SHALL NOT be filed, and there shall be no oral argument, unless the administrative law judge otherwise directs.

(2) Generally, and without restricting the discretion of the administrative law judge, a motion for rehearing or reconsideration which merely presents the same issues previously ruled on, either expressly or by reasonable implication, shall not be granted. The moving party ~~must~~ SHALL demonstrate a palpable error by which the tribunal and the parties have been misled and show that a different disposition must result from the correction of the error. A rehearing may be ordered on grounds there is newly discovered evidence that could affect the outcome of the case only if the lack of its discovery is not attributable to the moving party.

(3) The final decision maker may determine the record or a proposal for decision is inadequate for purposes of his or her review or for judicial review, or that evidence was improperly included or excluded, and remand the case to the administrative law judge for further consideration.

PART 8. DECLARATORY RULINGS

R 324.81 Declaratory rulings.

Rule 81. (1) An interested person requesting a declaratory ruling as to the applicability of a licensing statute, rule, or order administered by the department to an actual state of uncontested facts may do so on a form provided by the department. Requests regarding enforcement issues are not a proper subject for a declaratory ruling. The department shall not process a request that is incomplete. The request shall contain, at a minimum, all of the following information:

(a) The requesting person's name, mailing address, and telephone number.

(b) The requesting person's interest in the matter, including assertions regarding the person's legal standing to request a declaratory ruling.

(c) The statute, rule, or order to which the request applies.

(d) A detailed statement of the actual uncontested facts to which the statute, rule, or order may apply. Drawings, sketches, photographs, illustrations, and maps may be attached to the form.

(2) Within 60 days of receipt of the request, the department shall TAKE 1 OF THE FOLLOWING ACTIONS:

(a) Deny the request and state the reasons for the denial.

(b) Grant the request and issue the declaratory ruling.

(c) Advise the person requesting the ruling that further clarification of the facts must be provided, or THAT the department requires additional time to conduct a review, including, but not limited to, an on-site investigation.

(3) ~~In the event subsection~~ IF SUBRULE (2)(c) OF THIS RULE is invoked, the department shall either deny or grant the request within 60 days after receiving satisfactory clarification of facts from the requesting person or from the date the department notifies the requesting person of the need for additional time to investigate.

(4) The department shall issue a declaratory ruling only in matters where all relevant facts are stipulated to by the requesting party and appropriate division. ~~Where~~ IF relevant facts necessary to issue a declaratory ruling are contested, THEN A declaratory ruling shall not be issued.

(5) A denial or adverse decision of a declaratory ruling does not entitle a person to a contested case hearing.

NOTICE OF PUBLIC HEARING

ORR # 1998-038

DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ADMINISTRATIVE HEARINGS

The Michigan Department of Environmental Quality (DEQ), Office of Administrative Hearings, will conduct a public hearing on proposed administrative rules promulgated pursuant by authority conferred on the department of environmental quality by sections 33 and 63 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.233 and 24.263 of the Michigan Combined Laws. These rules provide the procedures for processing contested cases and declaratory rulings before the DEQ.

The public hearing will be held on July 30, 2002, at 10:00 a.m. EST in the Michigan Department of Environmental Quality hearing room, South Tower, Atrium Level, Constitution Hall, 525 West Allegan Street. The Constitution Hall is located on the corner of Allegan Street and Pine Street in Lansing.

Copies of the proposed rules (ORR 1998-034 EQ) can be downloaded from the Internet through the Office of Regulatory Reform at <http://www.state.mi.us/orr>. Copies of the rules may also be obtained by contacting the Lansing office at:

Office of Administrative Hearings
Michigan Department of Environmental Quality
P.O. Box 30473
Lansing, Michigan 48909-7973
Phone: 517-335-4226
Fax: 517-335-5420

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above. Written comments must be received not later than August 6, 2002 at 4:30 p.m. EST.

Persons needing accommodations for effective participation in the meeting should contact the Office of Administrative Hearings at 517-335-4226 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, as amended, being Sections 24.241 and 24.242 of the Michigan Compiled Laws. Administration of the rules is by authority conferred on the Director of the DEQ by sections 33 and 63 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.233 and 24.263 of the Michigan Combined Laws and Executive Order 1995-18. These rules will become effective seven days after filing with the Secretary of State.

Richard G. Lacasse, Chief
Office of Administrative Hearings

PROPOSED ADMINISTRATIVE RULES

ORR # 2000-051

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by section 4 of 1972 P.A. 230, MCL 125.1504, and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 408.30101 to R 408.31194 of the Michigan Administrative Code are amended by adding R 408.30551 to R 408.30577 as follows:

REHABILITATION CODE

R 408.30551 APPLICABLE CODE.

RULE 551. THE INTERNATIONAL EXISTING BUILDING CODE, HEREINAFTER REFERRED TO AS "THE CODE," 2003 FINAL DRAFT, DATED AUGUST 2001, IS ADOPTED BY REFERENCE, AS PROVIDED IN MCL 24.232, AS THE "MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS" WITH THE EXCEPTION OF SECTIONS 104.8, 108.2 THROUGH 108.6, 112.2, 112.3, 114.3, 506.1.1 THROUGH 506.2, AND 1005.1.1 THROUGH 1005.1.5, AND AS OTHERWISE NOTED IN THESE RULES. THE INTERNATIONAL EXISTING BUILDING CODE, 2003 FINAL DRAFT, DATED AUGUST 2001, IS AVAILABLE FOR INSPECTION AT THE OKEMOS OFFICE OF THE MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, BUREAU OF CONSTRUCTION CODES. THE INTERNATIONAL EXISTING BUILDING CODE, 2003 FINAL DRAFT, DATED AUGUST 2001, MAY BE PURCHASED FROM THE BUILDING OFFICIALS AND CODE ADMINISTRATORS INTERNATIONAL, INCORPORATED, 4051 WEST FLOSSMOOR ROAD, COUNTRY CLUB HILLS, ILLINOIS 60478, OR THE MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, BUREAU OF CONSTRUCTION CODES, 2501 WOODLAKE CIRCLE, OKEMOS, MICHIGAN 48864, AT A COST AS OF THE TIME OF ADOPTION OF THESE RULES OF \$17.00.

R 408.30552 REFERENCES TO INTERNATIONAL CODES.

RULE 552. ALL REFERENCES TO THE CODE, INTERNATIONAL ELECTRICAL CODE, INTERNATIONAL ENERGY CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE, AND INTERNATIONAL PLUMBING CODE IN THE INTERNATIONAL EXISTING BUILDING CODE SHALL MEAN THE MICHIGAN BUILDING CODE, MICHIGAN

ELECTRICAL CODE, MICHIGAN UNIFORM ENERGY CODE, MICHIGAN RESIDENTIAL CODE, MICHIGAN MECHANICAL CODE AND MICHIGAN PLUMBING CODE, RESPECTIVELY.

R 408.30553 TITLE.

RULE 553. SECTION 101.1 OF THE CODE IS AMENDED AS FOLLOWS:

101.1 TITLE. THESE RULES SHALL BE KNOWN AS THE MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS, HEREINAFTER REFERRED TO AS “THIS CODE.”

R 408.30554 SCOPE.

RULE 554. SECTION 101.2 OF THE CODE IS AMENDED AS FOLLOWS:

101.2 SCOPE. THE PROVISIONS OF THIS CODE SHALL APPLY TO THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION, AND RELOCATION OF EXISTING BUILDINGS. A BUILDING OR PORTION OF A BUILDING WHICH HAS NOT BEEN PREVIOUSLY OCCUPIED OR USED FOR ITS INTENDED PURPOSE SHALL COMPLY WITH THE PROVISIONS OF THE MICHIGAN BUILDING CODE FOR NEW CONSTRUCTION. REPAIRS, ALTERATIONS, CHANGE OF OCCUPANCY, EXISTING BUILDINGS TO WHICH ADDITIONS ARE MADE, HISTORIC BUILDINGS, AND RELOCATED BUILDINGS COMPLYING WITH THE PROVISIONS OF THE MICHIGAN BUILDING CODE, THE MICHIGAN ELECTRICAL CODE, THE MICHIGAN RESIDENTIAL CODE, THE MICHIGAN MECHANICAL CODE, AND THE MICHIGAN PLUMBING CODE SHALL BE CONSIDERED TO BE IN COMPLIANCE WITH THIS CODE.

R 408.30555 INTENT.

RULE 555. SECTION 101.3 OF THE CODE IS AMENDED AS FOLLOWS:

101.3 INTENT. THE PURPOSE OF THIS CODE IS TO ENCOURAGE THE CONTINUED USE AND REUSE OF LEGALLY EXISTING BUILDINGS AND STRUCTURES THROUGH ALTERNATIVE COMPLIANCE METHODS. THESE PROVISIONS ARE INTENDED TO IMPROVE THE PUBLIC HEALTH, SAFETY, AND WELFARE IN EXISTING BUILDINGS INsofar AS THEY ARE AFFECTED BY THE REPAIR, ALTERATION, CHANGE IN OCCUPANCY, ADDITION, AND RELOCATION OF EXISTING BUILDINGS.

R 408.30556 COMPLIANCE.

RULE 556. SECTION 102.4.2 OF THE CODE IS AMENDED AS FOLLOWS:

102.4.2 COMPLIANCE. COMPLIANCE WITH THE STRUCTURAL PROVISIONS OF THE MICHIGAN BUILDING CODE, 1999 NATIONAL BUILDING CODE, OR 1997 UNIFORM BUILDING CODE SHALL BE DEEMED TO EXCEED OR BE EQUIVALENT TO THE STRUCTURAL PROVISIONS OF THIS CODE.

R 408.30557 “BUILDING OFFICIAL” DEFINED.

RULE 557. SECTION 103.2 OF THE CODE IS AMENDED AS FOLLOWS:

103.2 “BUILDING OFFICIAL” MEANS THE PERSON WHO IS APPOINTED AND EMPLOYED BY A GOVERNMENTAL SUBDIVISION CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF THE STATE CODE OR CODES AND WHO IS REGISTERED IN ACCORDANCE WITH THE REQUIREMENTS OF 1986 P.A. 54, MCL 338.2301 ET SEQ. WHERE USED IN THIS CODE, THE TERM CODE OFFICIAL MEANS “BUILDING OFFICIAL”.

R 408.30558 PRELIMINARY MEETING.

RULE 558. SECTION 104.2.1 OF THE CODE IS AMENDED AS FOLLOWS:

104.2.1 PRELIMINARY MEETING. WHEN REQUESTED BY THE OWNER OR OWNER'S AGENT, THE BUILDING OFFICIAL SHALL MEET WITH THE OWNER OR THE OWNER'S AGENT TO DISCUSS PLANS FOR THE PROPOSED WORK OR CHANGE OF OCCUPANCY BEFORE THE APPLICATION FOR A CONSTRUCTION PERMIT IN ORDER TO ESTABLISH THE SPECIFIC APPLICABILITY OF THE PROVISIONS OF THIS CODE. THE BUILDING OFFICIAL SHALL NOTIFY THE APPROPRIATE FIRE OFFICIAL OF THE MEETING.

EXCEPTION: REPAIRS, AND ALTERATIONS LEVEL 1 AND LEVEL 2.

R 408.30559 PRELIMINARY REVIEW.

RULE 559. SECTION 104.2.2 OF THE CODE IS AMENDED AS FOLLOWS:

104.2.2 PRELIMINARY REVIEW. WHEN A BUILDING PERMIT IS REQUIRED BY THE CODE, THE OWNER OR OWNER'S AGENT MAY REQUEST A REVIEW OF PRELIMINARY CONSTRUCTION DOCUMENTS TO DETERMINE COMPLIANCE WITH THIS CODE.

R 408.30560 ANNUAL PERMIT.

RULE 560. SECTIONS 105.1.1 AND 105.1.2 OF THE CODE ARE AMENDED AS FOLLOWS:

105.1.1 ANNUAL PERMIT. IN PLACE OF AN INDIVIDUAL PERMIT FOR EACH ALTERATION TO AN ALREADY APPROVED ELECTRICAL, GAS, MECHANICAL, OR PLUMBING INSTALLATION, THE ENFORCING AGENCY IS AUTHORIZED TO ISSUE AN ANNUAL PERMIT UPON APPLICATION THEREFOR TO ANY PERSON, FIRM, OR CORPORATION. THE APPLICANT SHALL BE LICENSED IN ACCORDANCE WITH THE REQUIREMENTS OF 1956 P.A. 217, MCL 338.881 ET SEQ., 1984 P.A. 192, MCL 338.971 ET SEQ., OR 1929 P.A. 266, MCL 338.901 ET SEQ.

105.1.2 ANNUAL PERMIT RECORDS. THE PERSON TO WHOM AN ANNUAL PERMIT IS ISSUED SHALL KEEP A DETAILED RECORD OF ALTERATIONS MADE UNDER AN ANNUAL PERMIT. ACCESS TO THE RECORDS SHALL BE PROVIDED AT ALL TIMES AND THE RECORDS SHALL BE FILED WITH THE ENFORCING AGENCY.

R 408.30561 WORK EXEMPT FROM PERMIT.

RULE 561. SECTION 105.2 OF THE CODE IS AMENDED AS FOLLOWS:

105.2 WORK EXEMPT FROM PERMIT. EXEMPTIONS FROM PERMIT REQUIREMENTS OF THIS CODE SHALL NOT BE DEEMED TO GRANT AUTHORIZATION FOR ANY WORK TO BE DONE IN ANY MANNER IN VIOLATION OF THE PROVISIONS OF THIS CODE OR ANY OTHER LAWS OR ORDINANCES OF THIS JURISDICTION. PERMITS SHALL NOT BE REQUIRED FOR THE FOLLOWING:

(A) BUILDING, AS FOLLOWS:

(I) SIDEWALKS AND DRIVEWAYS NOT MORE THAN 30 INCHES (762 MM) ABOVE GRADE AND NOT OVER ANY BASEMENT OR STORY BELOW AND WHICH ARE NOT PART OF AN ACCESSIBLE ROUTE.

(II) PAINTING, PAPERING, TILING, CARPETING, CABINETS, COUNTER TOPS AND SIMILAR FINISH WORK.

(III) TEMPORARY MOTION PICTURE, TELEVISION AND THEATER STAGE SETS AND SCENERY.

(IV) SHADE CLOTH STRUCTURES CONSTRUCTED FOR NURSERY OR AGRICULTURAL PURPOSES AND NOT INCLUDING SERVICE SYSTEMS.

(V) WINDOW AWNINGS SUPPORTED BY AN EXTERIOR WALL OF GROUP R-3 OR GROUP U OCCUPANCIES.

(VI) MOVABLE CASES, COUNTERS AND PARTITIONS.

(B) ELECTRICAL, AS FOLLOWS:

(I) REPAIRS AND MAINTENANCE: MINOR REPAIR WORK, INCLUDING THE REPLACEMENT OF LAMPS OR THE CONNECTION OF APPROVED PORTABLE ELECTRICAL EQUIPMENT TO APPROVED PERMANENTLY INSTALLED RECEPTACLES.

(II) RADIO AND TELEVISION TRANSMITTING STATIONS: THE PROVISIONS OF THIS CODE SHALL NOT APPLY TO ELECTRICAL EQUIPMENT USED FOR RADIO AND TELEVISION TRANSMISSIONS, BUT DOES APPLY TO EQUIPMENT AND WIRING FOR POWER SUPPLY AND TO THE INSTALLATIONS OF TOWERS AND ANTENNAS.

(III) TEMPORARY TESTING SYSTEMS: A PERMIT SHALL NOT BE REQUIRED FOR THE INSTALLATION OF ANY TEMPORARY SYSTEM REQUIRED FOR THE TESTING OR SERVICING OF ELECTRICAL EQUIPMENT OR APPARATUS.

(C) GAS, AS FOLLOWS:

(I) PORTABLE HEATING APPLIANCE.

(II) REPLACEMENT OF ANY MINOR PART THAT DOES NOT ALTER APPROVAL OR EQUIPMENT OR MAKE EQUIPMENT UNSAFE.

(D) MECHANICAL, AS FOLLOWS:

(I) PORTABLE HEATING APPLIANCE.

(II) PORTABLE VENTILATION EQUIPMENT.

(III) PORTABLE COOLING UNIT.

(IV) STEAM, HOT OR CHILLED WATER PIPING WITHIN ANY HEATING OR COOLING EQUIPMENT REGULATED BY THIS CODE.

(V) REPLACEMENT OF ANY PART WHICH DOES NOT ALTER ITS APPROVAL OR MAKE IT UNSAFE.

(VI) PORTABLE EVAPORATIVE COOLER.

(VII) SELF-CONTAINED PORTABLE REFRIGERATION UNITS NOT MORE THAN 1.5 HORSEPOWER.

(E) PLUMBING, AS FOLLOWS:

(I) THE STOPPING OF LEAKS IN DRAINS, WATER, SOIL, WASTE OR VENT PIPE; HOWEVER, IF ANY CONCEALED TRAP, DRAINPIPE, WATER, SOIL, WASTE OR VENT PIPE BECOMES DEFECTIVE AND IT BECOMES NECESSARY TO REMOVE AND REPLACE THE TRAP, DRAINPIPE, OR WASTE OR VENT PIPE WITH NEW MATERIAL, THEN THE WORK SHALL BE CONSIDERED AS NEW WORK AND A PERMIT SHALL BE OBTAINED AND INSPECTION MADE AS PROVIDED IN THIS CODE.

(II) THE CLEARING OF STOPPAGES OR THE REPAIRING OF LEAKS IN PIPES, VALVES, OR FIXTURES, AND THE REMOVAL AND REINSTALLATION OF WATER CLOSETS, IF THE REPAIRS DO NOT INVOLVE OR REQUIRE THE REPLACEMENT OR REARRANGEMENT OF VALVES, PIPES, OR FIXTURES.

R 408.30562 SUBMITTAL OF DOCUMENTS.

RULE 562. SECTION 106.1 OF THE CODE IS AMENDED AS FOLLOWS:

106.1 SUBMITTAL OF DOCUMENTS. CONSTRUCTION DOCUMENTS, SPECIAL INSPECTION AND STRUCTURAL OBSERVATION PROGRAMS, INVESTIGATION AND EVALUATION REPORTS, AND OTHER DATA SHALL BE SUBMITTED IN 1 OR MORE SETS WITH EACH APPLICATION FOR A PERMIT. THE CONSTRUCTION DOCUMENTS SHALL BE PREPARED BY OR UNDER THE DIRECT SUPERVISION OF A REGISTERED DESIGN PROFESSIONAL WHEN REQUIRED BY ARTICLE 20 OF 1980 P.A. 299, MCL 339.101 ET SEQ. WHERE SPECIAL CONDITIONS EXIST, THE BUILDING OFFICIAL IS AUTHORIZED TO REQUIRE ADDITIONAL CONSTRUCTION DOCUMENTS TO BE PREPARED BY A REGISTERED DESIGN PROFESSIONAL.

EXCEPTION: THE BUILDING OFFICIAL IS AUTHORIZED TO WAIVE THE SUBMISSION OF CONSTRUCTION DOCUMENTS AND OTHER DATA NOT REQUIRED TO BE PREPARED BY A REGISTERED DESIGN PROFESSIONAL IF IT IS FOUND THAT THE NATURE OF THE WORK APPLIED FOR IS SUCH THAT REVIEWING OF CONSTRUCTION DOCUMENTS IS NOT NECESSARY TO OBTAIN COMPLIANCE WITH THIS CODE.

R 408.30563 FIRE FLOW REQUIREMENTS.

RULE 563. SECTION 106.1.1.2 OF THE CODE IS AMENDED AS FOLLOWS:

106.1.1.2 FIRE FLOW REQUIREMENTS. THE APPLICATION FOR PERMIT SHALL BE ACCOMPANIED BY AN EVALUATION OF THE AVAILABLE FIRE FLOW AT THE BUILDING UTILIZING THE EXISTING FIRE HYDRANTS ON THE SITE, PUBLIC STREETS, AND ADJACENT SITES IN ACCORDANCE WITH THE PROVISIONS OF SECTION B105 OF APPENDIX B OF THE INTERNATIONAL FIRE CODE.

R 408.30564 TEMPORARY POWER.

RULE 564. SECTION 107.3 OF THE CODE IS AMENDED AS FOLLOWS:

107.3 TEMPORARY POWER. THE BUILDING OFFICIAL IS AUTHORIZED TO GIVE PERMISSION TO TEMPORARILY SUPPLY AND USE POWER IN PART OF AN ELECTRIC INSTALLATION BEFORE THE INSTALLATION HAS BEEN FULLY COMPLETED AND THE FINAL CERTIFICATE OF COMPLETION HAS BEEN ISSUED. THE PART COVERED BY THE TEMPORARY CERTIFICATE SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED FOR TEMPORARY LIGHTING, HEAT, OR POWER IN THE MICHIGAN ELECTRICAL CODE.

R 408.30565 PAYMENT OF FEES.

RULE 565. SECTION 108.1 OF THE CODE IS AMENDED AS FOLLOWS:

108.1 PAYMENT OF FEES. THE FEES PRESCRIBED BY SECTION 22 OF 1972 P.A. 230, MCL 125.1501 ET SEQ. SHALL BE PAID TO THE ENFORCING AGENCY OF THE JURISDICTION BEFORE A PERMIT TO BEGIN WORK MAY BE ISSUED. IN ADDITION, AN AMENDMENT TO A PERMIT NECESSITATING AN ADDITIONAL FEE SHALL NOT BE APPROVED UNTIL THE ADDITIONAL FEE HAS BEEN PAID.

R 408.30566 LOWEST FLOOR ELEVATION.

RULE 566. SECTION 109.3.3 OF THE CODE IS AMENDED AS FOLLOWS:

109.3.3 LOWEST FLOOR ELEVATION. FOR ADDITIONS AND SUBSTANTIAL IMPROVEMENTS TO EXISTING BUILDINGS IN FLOOD HAZARD AREAS, THE ELEVATION CERTIFICATION

REQUIRED IN THE MICHIGAN BUILDING CODE SHALL BE SUBMITTED TO THE BUILDING OFFICIAL.

R 408.30567 SPECIAL INSPECTIONS.

RULE 567. SECTION 109.3.8 OF THE CODE IS AMENDED AS FOLLOWS:

109.3.8 SPECIAL INSPECTIONS. SPECIAL INSPECTIONS SHALL BE REQUIRED IN ACCORDANCE WITH THE MICHIGAN BUILDING CODE.

R 408.30568 ALTERED AREA USE AND OCCUPANCY CLASSIFICATION CHANGE.

RULE 568. SECTION 110.1 OF THE CODE IS AMENDED AS FOLLOWS:

110.1 ALTERED AREA USE AND OCCUPANCY CLASSIFICATION CHANGE. AN ALTERED AREA OF A BUILDING SHALL NOT BE USED OR OCCUPIED, AND A CHANGE IN THE EXISTING OCCUPANCY CLASSIFICATION OF A BUILDING OR PORTION THEREOF SHALL NOT BE MADE UNTIL THE BUILDING OFFICIAL HAS ISSUED A CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH SECTION 13 OF 1972 P.A. 230, MCL 125.1501 ET SEQ. THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY SHALL NOT BE CONSTRUED AS AN APPROVAL OF A VIOLATION OF THE PROVISIONS OF THIS CODE OR OF THE OTHER ORDINANCES OF THE JURISDICTION.

R 408.30569 CERTIFICATE ISSUED.

RULE 569. SECTION 110.2 OF THE CODE IS AMENDED AS FOLLOWS:

110.2 CERTIFICATE ISSUED. AFTER THE BUILDING OFFICIAL INSPECTS THE BUILDING AND FINDS NO VIOLATIONS OF THE PROVISIONS OF THIS CODE OR OTHER LAWS THAT ARE ENFORCED BY THE DEPARTMENT OF BUILDING SAFETY, THE BUILDING OFFICIAL SHALL ISSUE A CERTIFICATE OF OCCUPANCY, WHICH SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION:

- (A) THE BUILDING PERMIT NUMBER.
- (B) THE ADDRESS OF THE STRUCTURE.
- (C) THE NAME AND ADDRESS OF THE OWNER.
- (D) A DESCRIPTION OF THAT PORTION OF THE STRUCTURE FOR WHICH THE CERTIFICATE IS ISSUED.
- (E) A STATEMENT THAT THE DESCRIBED PORTION OF THE STRUCTURE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS CODE FOR THE OCCUPANCY AND DIVISION OF OCCUPANCY AND THE USE FOR WHICH THE PROPOSED OCCUPANCY IS CLASSIFIED.
- (F) THE NAME OF THE BUILDING OFFICIAL.
- (G) THE EDITION OF THE CODE UNDER WHICH THE PERMIT WAS ISSUED.
- (H) THE USE AND OCCUPANCY IN ACCORDANCE WITH THE PROVISIONS OF THE MICHIGAN BUILDING CODE.
- (I) THE TYPE OF CONSTRUCTION AS DEFINED IN THE MICHIGAN BUILDING CODE.
- (J) THE DESIGN OCCUPANT LOAD AND ANY IMPACT THE ALTERATION HAS ON THE DESIGN OCCUPANT LOAD OF THE AREA NOT WITHIN THE SCOPE OF THE WORK.
- (K) IF AN AUTOMATIC SPRINKLER SYSTEM IS PROVIDED, WHETHER THE SPRINKLER SYSTEM IS REQUIRED.
- (L) ANY SPECIAL STIPULATIONS AND CONDITIONS OF THE BUILDING PERMIT.

R 408.30570 GENERAL.

RULE 570. SECTION 112.1 OF THE CODE IS AMENDED AS FOLLOWS:

112.1 GENERAL. APPEALS SHALL BE HEARD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 14 OF 1972 P.A. 230, MCL 125.1501 ET SEQ.

R 408.30571 VIOLATION PENALTIES.

RULE 571. SECTION 113.4 OF THE CODE IS AMENDED AS FOLLOWS:

113.4(1) VIOLATION PENALTIES. IT IS UNLAWFUL FOR ANY PERSON, FIRM, OR CORPORATION TO VIOLATE A PROVISION OF THIS CODE OR FAIL TO CONFORM WITH ANY OF THE REQUIREMENTS THEREOF, OR ERECT, CONSTRUCT, ALTER, EXTEND, REPAIR, MOVE, REMOVE, DEMOLISH, OR OCCUPY ANY BUILDING, STRUCTURE, OR EQUIPMENT REGULATED BY THIS CODE, OR CAUSE WORK TO BE PERFORMED OR DONE IN CONFLICT WITH OR IN VIOLATION OF THE APPROVED CONSTRUCTION DOCUMENTS OR DIRECTIVE OF THE ENFORCING AGENCY OR A PERMIT OR CERTIFICATE ISSUED UNDER THIS CODE.

(2) A VIOLATOR SHALL BE ASSESSED A FINE IN ACCORDANCE WITH SECTION 23 OF 1972 P.A. 230, MCL 125.1501 ET SEQ.

R 408.30572 NOTICE TO OWNER.

RULE 572. SECTION 114.2 OF THE CODE IS AMENDED AS FOLLOWS:

114.2 NOTICE TO OWNER. UPON NOTICE FROM THE ENFORCING AGENCY, WORK ON ANY BUILDING OR STRUCTURE THAT HAS BEEN DONE CONTRARY TO THIS CODE OR IN A DANGEROUS AND UNSAFE MANNER SHALL IMMEDIATELY CEASE. NOTICE SHALL BE IN ACCORDANCE WITH SECTION 12 OF 1972 P.A. 230, MCL 125.1501 ET SEQ. A PERSON WHO IS SERVED WITH A STOP WORK ORDER, EXCEPT FOR WORK THAT THE PERSON IS DIRECTED TO PERFORM TO REMOVE A VIOLATION OR UNSAFE CONDITION, IS SUBJECT TO THE PENALTY PROVISIONS PRESCRIBED IN SECTION 23 OF 1972 P.A. 230, MCL 125.1501 ET SEQ.

R 408.30573 DESIGN PROCEDURES AND SEISMIC FORCES.

RULE 573. SECTIONS 407.1.1.1, 407.1.1.2, AND 407.1.1.3 OF THE CODE ARE AMENDED AS FOLLOWS:

407.1.1.1 DESIGN PROCEDURES. THE SEISMIC DESIGN OF EXISTING BUILDINGS SHALL BE BASED UPON THE PROCEDURES SPECIFIED IN THE MICHIGAN BUILDING CODE.

407.1.1.2 LEVEL SEISMIC FORCES. WHEN SEISMIC FORCES ARE REQUIRED TO MEET THE MICHIGAN BUILDING CODE, THEY SHALL BE BASED UPON 100% OF THE VALUES IN THE MICHIGAN BUILDING CODE OR FEMA 356, THE STANDARD OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, WHICH IS ADOPTED IN THESE RULES BY REFERENCE. THE STANDARD MAY BE OBTAINED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL CENTER PLAZA, 500 C STREET S.W., WASHINGTON DC 20472, AT NO COST OR FROM THE MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, BUREAU OF CONSTRUCTION CODES, 2501 WOODLAKE CIRCLE, OKEMOS, MICHIGAN 48864. THIS STANDARD MAY BE INSPECTED AT THE OKEMOS OFFICE OF THE MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES. WHERE FEMA 356 IS USED, THE FEMA 356 BASIC SAFETY OBJECTIVE (BSO) SHALL BE USED FOR BUILDINGS IN SEISMIC USE GROUP I. FOR BUILDINGS IN OTHER SEISMIC USE GROUPS, THE APPLICABLE FEMA 356

PERFORMANCE LEVELS SHOWN IN TABLE 407.1.1.2 FOR BSE – 1 AND BSE – 2 EARTHQUAKE HAZARD LEVELS SHALL BE USED.

407.1.1.3 REDUCED LEVEL SEISMIC FORCES. WHEN SEISMIC FORCES ARE REQUIRED TO MEET REDUCED MICHIGAN BUILDING CODE LEVELS, THEY SHALL BE BASED UPON 75% OF THE ASSUMED FORCES PRESCRIBED IN THE MICHIGAN BUILDING CODE.

R 408.30574 ACCESSIBILITY.

RULE 574. SECTION 506.1 OF THE CODE IS AMENDED AS FOLLOWS:

506.1 ACCESSIBILITY. A BUILDING, FACILITY, OR ELEMENT THAT IS ALTERED SHALL COMPLY WITH THE REQUIREMENTS OF 1966 P.A. 1, MCL 125.1351 ET SEQ. AND THE APPLICABLE PROVISIONS OF CHAPTER 11 OF THE MICHIGAN BUILDING CODE, R 408.31101 ET SEQ.

R 408.30575 HIGH-RISE BUILDINGS.

RULE 575. SECTION 702.1 OF THE CODE IS AMENDED AS FOLLOWS:

702.1 HIGH-RISE BUILDINGS. ANY BUILDING HAVING 1 OR MORE OCCUPIED FLOORS LOCATED MORE THAN 55 FEET (16 764 MM) ABOVE THE LOWEST LEVEL OF FIRE DEPARTMENT VEHICLE ACCESS SHALL COMPLY WITH THE REQUIREMENTS OF SECTIONS 702.1.1 THROUGH 702.1.2.

EXCEPTION: THE PROVISIONS OF SECTIONS 702.1.1 AND 702.1.2 SHALL APPLY TO BUILDINGS HAVING OCCUPIED FLOOR LEVELS MORE THAN 75 FEET ABOVE THE LOWEST LEVEL OF FIRE DEPARTMENT VEHICLE ACCESS WHERE THE LOCAL UNIT OF GOVERNMENT HAS COMPLIED WITH THE PROVISIONS OF SECTION 403.1 OF THE MICHIGAN BUILDING CODE, EXCEPTION 6.

R 408.30576 ACCESSIBILITY REQUIREMENTS.

RULE 576. SECTIONS 806.1, 812.5, AND 1005.1 OF THE CODE ARE AMENDED AS FOLLOWS:

806.1 GENERAL. ACCESSIBILITY IN PORTIONS OF BUILDINGS UNDERGOING A CHANGE OF OCCUPANCY CLASSIFICATION SHALL COMPLY WITH THE PROVISIONS OF R 408.30574.

812.5 ACCESSIBILITY. EXISTING BUILDINGS OR PORTIONS THEREOF THAT UNDERGO A CHANGE OF OCCUPANCY SHALL COMPLY WITH THE PROVISIONS OF R 408.30574.

1005.1 ACCESSIBILITY REQUIREMENTS. THE PROVISIONS OF R 408.30574 SHALL APPLY TO BUILDINGS AND FACILITIES DESIGNATED AS HISTORICAL STRUCTURES THAT UNDERGO A CHANGE OF OCCUPANCY.

R 408.30577 APPLICABILITY.

RULE 577. SECTION 1201.2 OF THE CODE IS AMENDED AS FOLLOWS:

1201.2 APPLICABILITY. STRUCTURES EXISTING BEFORE NOVEMBER 6, 1974, IN WHICH THERE IS WORK INVOLVING ADDITIONS, ALTERATIONS, OR CHANGES OF OCCUPANCY SHALL BE MADE TO CONFORM TO THE REQUIREMENTS OF THIS SECTION OR THE PROVISIONS OF CHAPTERS 4 THROUGH 10 OF THE CODE. THE PROVISIONS IN SECTIONS 1201.2.1 THROUGH 1201.2.5 SHALL APPLY TO EXISTING OCCUPANCIES THAT WILL CONTINUE TO BE, OR ARE PROPOSED TO BE, IN GROUPS A, B, E, F, M, R, AND S. THE PROVISIONS OF THIS RULE SHALL NOT APPLY TO BUILDINGS WITH OCCUPANCIES IN GROUP H OR I.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-041

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on
This rule takes effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by section 4 of 1972 P.A. 230, MCL 125.1504, and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 408.30401 to R 408.30499 of the Michigan Administrative Code are amended by adding R 408.30429a as follows:

PART 4. BUILDING CODE

R 408.30429a COMPLIANCE.

RULE 429a. THE CODE IS AMENDED BY ADDING SECTIONS 3409.1 AND 3409.2 AS FOLLOWS:
3409.1 COMPLIANCE. THE PROVISIONS OF THIS SECTION ARE INTENDED TO MAINTAIN OR INCREASE THE CURRENT DEGREE OF PUBLIC SAFETY, HEALTH, AND GENERAL WELFARE IN EXISTING BUILDINGS WHILE PERMITTING REPAIR, ALTERATION, ADDITION, AND CHANGE OF OCCUPANCY WITHOUT REQUIRING FULL COMPLIANCE WITH CHAPTERS 2 THROUGH 33 OF THE CODE, OR SECTIONS 3401.3 THROUGH 3406, EXCEPT WHERE COMPLIANCE WITH OTHER PROVISIONS OF THE CODE IS SPECIFICALLY REQUIRED IN THIS SECTION.

EXCEPTION: BUILDINGS MADE TO COMPLY WITH THE PROVISIONS OF THE MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS, R 408.30551 TO R 408.30577, SHALL BE DEEMED TO COMPLY WITH THE REQUIREMENTS OF THE CODE.

3409.2 APPLICABILITY. STRUCTURES EXISTING BEFORE NOVEMBER 6, 1974, IN WHICH WORK INVOLVING ADDITIONS, ALTERATIONS, OR CHANGES OF OCCUPANCY SHALL BE MADE TO CONFORM TO THE REQUIREMENTS OF THIS SECTION OR THE PROVISIONS OF SECTIONS 3402 THROUGH 3406 OF THE CODE.

THE PROVISIONS IN SECTIONS 3409.2.1 THROUGH 3409.2.5 OF THE CODE SHALL APPLY TO EXISTING OCCUPANCIES THAT WILL CONTINUE TO BE, OR ARE PROPOSED TO BE, IN GROUPS A, B, E, F, M, R, S, AND U. THESE PROVISIONS SHALL NOT APPLY TO BUILDINGS THAT HAVE OCCUPANCIES IN GROUP H OR I.

NOTICE OF PUBLIC HEARING

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF CONSTRUCTION CODES

**(ORR # 2000-051) Michigan Rehabilitation Code for Existing Buildings
and
(ORR #2002-042) Part 4. Building Code**

The Department of Consumer and Industry Services, Bureau of Construction Codes, will hold a public hearing on Monday, August 5, 2002 at 10:00 a.m. in “The Forum,” Michigan Library and Historical Center (1st Floor), 717 W. Allegan Street, Lansing, Michigan.

The public hearing is to receive public comments on newly proposed administrative rules entitled, “Michigan Rehabilitation Code for Existing Buildings.” Further, a rule must be added to Part 4 of the Building Code to clarify compliance relative to the proposed rehabilitation code. The proposed effective date of the rules is October 31, 2002.

The hearing is being conducted by the Department by authority under Section 4 of 1972 PA 230 and Executive Reorganization Order No. 1996-2, MCL 125.1504 and 445.2001.

The proposed rules are published in the *Michigan Register* or may be obtained on the web at www.cis.state.mi.us/bcc/rules.htm. Copies of the rules may also be obtained by contacting the Bureau at the address below.

Oral or written comments may be presented in person at the hearing on August 5, 2002, or submitted in writing by mail, e-mail, or FAX by Monday, August 12, 2002, at 5:00 p.m.

Department of Consumer and Industry Services
Bureau of Construction Codes
P.O. Box 30254
Lansing, MI 48909
Phone (517) 335-2972
FAX (517) 241-9570
baben@michigan.gov

Hearing facilities are barrier free. Kindly contact the Bureau to make arrangements for sign language interpreters within ten business days prior to the hearing.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-011

DEPARTMENT OF CORRECTIONS

GENERAL RULES

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of corrections by section 6 of 1953 PA 232, MCL 791.206)

R 791.1101, R 791.3301, R 791.3310, R 791.3320, R 791.4401, R 791.4415, R 791.5501, and R 791.6603 of the Michigan Administrative Code are amended and R 791.5505 and R 791.5510 of the Code are rescinded as follows:

PART 1. GENERAL PROVISIONS

R 791.1101 Definitions.

Rule 101. As used in these rules:

- (a) “Department” means the department of corrections.
- (b) “Director” means the director of the department.
- (c) “Facility” means a ~~camp~~, CORRECTIONS center, TECHNICAL RULE VIOLATION CENTER, SPECIAL ALTERNATIVE INCARCERATION PROGRAM FACILITY, AN ~~training unit~~, institution, or a part thereof that is maintained by the department.
- (d) “Institution” means a facility that is under the administrative control of the DEPUTY DIRECTOR OF CORRECTIONAL FACILITIES ADMINISTRATION. ~~bureau of correctional facilities. Camps are collectively considered to be 1 institution.~~
- (e) “Offender” means a PRISONER, PAROLEE, OR PROBATIONER ~~person~~ who is committed to the jurisdiction of the department.
- (f) “Ombudsman” or “corrections ombudsman” means the OFFICE OF THE legislative corrections ombudsman created by Act No. 46 of the Public Acts of 1975, as amended, being § MCL 4.351 et seq. of the ~~Michigan Compiled Laws.~~
- (g) “Resident” or “prisoner” means A PRISONER WHO IS COMMITTED TO THE JURISDICTION OF THE DEPARTMENT. ~~an offender who is assigned to a department facility, community corrections center, or community residential home,~~

PART 3. PRISONER HEARING PROCEDURES

R 791.3301 Hearing officers; designation; powers.

Rule 301. (1) All full-time hearing officers shall be employees of the department's hearings division. ~~In addition,~~ The department may assign other employees to act as hearing officers to conduct administrative hearings regarding PRISONERS ~~corrections clients~~, except that the hearings division shall be responsible for all administrative hearings on the following matters:

- (a) An infraction of ~~prison~~ DEPARTMENT rules which may result in PLACEMENT IN punitive SEGREGATION ~~detention, as set forth in R 791.5505(1)(a)~~, the loss of good time, or ~~the loss of~~ disciplinary credits, OR THE ADDITION OF DISCIPLINARY TIME.
 - (b) A security classification which may result in the placement of a prisoner in segregation.
 - (c) A special designation which permanently excludes a prisoner from ~~community~~ placement ON COMMUNITY STATUS.
 - (d) Visitor restrictions.
 - (e) High or very high assaultive and high property risk classifications.
- (2) A hearing officer shall comply with all of the following provisions:
- (a) Have no prior direct involvement in the matter which is at issue in a hearing.
 - (b) ~~Ensure~~ VERIFY that all parties are notified of the date and place of a hearing.
 - (c) Regulate the course of a hearing and the conduct of all those present at a hearing.
 - (d) Ensure that an adequate record or summary is made of the proceeding.
 - (e) Render a written decision or recommendation.
 - (f) Impose ~~prescribed~~ disciplinary sanctions; pursuant to R 791.55051, if the prisoner is found guilty of major or minor misconduct.

R 791.3310 Fact-finding hearing; notice; rights of prisoner; report; waiver.

Rule 310. (1) ~~Sufficiently before a fact-finding hearing to allow preparation of a response,~~ a A prisoner shall receive SUFFICIENT written notice of the purpose of ~~the~~ A FACT-FINDING hearing SUFFICIENTLY PRIOR TO THE HEARING TO ALLOW PREPARATION OF A RESPONSE. A copy of any disciplinary report or other information regarding circumstances giving rise to the hearing shall accompany the notice.

- (2) A prisoner ~~has the following rights~~ SHALL BE AFFORDED BOTH OF THE FOLLOWING at a fact-finding hearing:
- (a) to be present and speak on his or her own behalf.
 - (b) to receive a copy of any department document specifically relevant to the issue before the hearing officer, unless disclosure of the document would be a threat to the order and security of the ~~institution~~ FACILITY or the safety of an individual.
 - (3) The hearing officer shall make a summary report of the hearing and decision or recommendation.
 - (4) A prisoner, ~~before a designated staff person,~~ may waive ~~the right to a fact-finding hearing. If waiver is made before the officer who reported a~~ WAIVERS FOR minor misconduct, ~~HEARINGS summary sanctions under the provisions of ARE SUBJECT TO R 791.55015(4) may be imposed.~~

R 791.3320 Appeals; notice; sanctions stayed; basis of review; permissible dispositions on appeal; finality.

Rule 320. (12) A PRISONER MAY APPEAL A DETERMINATION MADE AT A HEARING CONDUCTED PURSUANT TO R 791.3310 FOR ~~Minor~~ minor misconduct ~~hearing decisions may be appealed by prisoners to the officials AS designated SET FORTH in department policies and procedures.~~ (3) Oral notice of intent to appeal ~~in minor misconduct cases~~ shall be given by the prisoner at the conclusion of the hearing and shall be followed by a written basis for the appeal within 24 hours after receipt of the written decision. Sanctions ordered by the hearing officer may be held in abeyance until the appeal is resolved.

(2) WITHIN 30 CALENDAR DAYS AFTER RECEIPT OF THE DETERMINATION, THE PRISONER OR WARDEN MAY APPEAL, TO THE HEARINGS ADMINISTRATOR, THE DETERMINATION MADE AT A HEARING CONDUCTED PURSUANT TO R 791.3315. ~~At the request of the prisoner or the institution, or on his or her own motion, the~~ THE hearings administrator may order a rehearing ON HIS OR HER OWN MOTION AT ANY TIME. ~~in a case involving any of the following:~~

- ~~(a) Major misconduct.~~
- ~~(b) Placement in segregation.~~
- ~~(c) Special designations affecting placement in community programs.~~
- ~~(d) Permanent visitor restrictions.~~
- ~~(e) High or very high assaultive or high property risk classifications.~~

(34) A PRISONER MAY APPEAL ~~All A determinations MADE in ANY OTHER administrative hearing may be appealed through the~~ BY FILING A grievance. ~~procedure of R 791.3325, except hearings conducted by the hearings division.~~

(45) Appeals shall be reviewed on the basis of the written summary or record of the hearing, any documentary evidence presented at the hearing, and the written reason for appeal. The reviewing official may affirm or reverse a finding of guilt or may vacate the finding and remand for a new hearing.

PART 4. PRISONER CLASSIFICATION AND TRANSFER

R 791.4401 Security classification; criteria; security classification committee; levels of custody; additional criteria for certain classifications; grievance.

Rule 401. (1) A prisoner's security classification is a determination, based on the experience of correctional administrators, as to the level of confinement required for public safety and the safety and security of the ~~institution~~ FACILITY. It is not a punitive or disciplinary sanction. ALL OF the following factors may be considered in determining classification:

- (a) The prisoner's need for protection.
- (b) The safety of others.
- (c) The protection of the general public.
- (d) Prevention of escape.
- (e) Maintenance of control and order.
- (f) Medical and mental health care needs of the prisoner.

(23) After examination of all relevant information, a prisoner shall be assigned TO 1 of the following. ~~categories of security classification~~ that is the least restrictive level of custody consistent with the requirements of subrule

(1) of this rule:

- ~~(a) Segregation, subject to the provisions of R 791.4405.~~
- (b) Level VI.
- (c) Level V.
- (d) Level IV.
- (e) Level III.
- (f) Level II.
- (g) Level I.

~~(h) Community status, with the concurrence of the head of the office of residential and electronic programs and subject to the provisions of R 791.4410 and R 791.4425.~~

(32) Security classifications to all levels, except level VI AND COMMUNITY STATUS, shall be determined at each institution by a committee which is appointed by the warden and which is under the direction of the

deputy director for correctional facilities. THE DEPUTY DIRECTOR OF CORRECTIONAL FACILITIES ADMINISTRATION ~~who also~~ shall determine all placementS at level VI. PLACEMENT ON COMMUNITY STATUS REQUIRES THE CONCURRENCE OF THE ADMINISTRATOR OF THE OFFICE OF FIELD PROGRAMS AND IS SUBJECT TO R 791.4410 AND R 791.4425.

(4) A prisoner who objects to a reclassification decision may file a grievance.

R 791.4415 Extensions of limits of prisoner's confinement; ~~furlough~~; purposes; criteria; time limits; costs.

Rule 415. (1) ~~Except for authorized medical care or pursuant to court order, a~~ A prisoner who is housed in an institution may be allowed outside the confines of that institution TO OBTAIN MEDICAL SERVICES THAT ARE NOT OTHERWISE AVAILABLE, WITH THE APPROVAL OF THE WARDEN OR DESIGNEE.

(2) A PRISONER WHO IS HOUSED IN AN INSTITUTION ALSO MAY BE ALLOWED OUTSIDE THE CONFINES OF THAT INSTITUTION ~~only under the following conditions~~ FOR THE FOLLOWING REASONS AND ONLY WITH THE PRIOR APPROVAL OF THE WARDEN OR DESIGNEE:

(a) ~~Prisoners classified to security levels I, II, and III and IV who do not qualify for a furlough from a correctional facility, under the standards set forth by the deputy director for correctional facilities, may be allowed to~~ TO visit an immediate family member, AS DEFINED IN DEPARTMENT POLICY, who is critically ill ~~or to attend the family visitation or funeral of an immediate family member upon approval of a warden or designee and if in the custody of correctional officers.~~

(b) TO ATTEND THE FAMILY VISITATION OR PRIVATE FUNERAL OF AN IMMEDIATE FAMILY MEMBER, AS DEFINED IN DEPARTMENT POLICY. ~~The following prisoners are not eligible for a funeral or sick bed visit:~~

(i) ~~A prisoner who has a classification of security level VI.~~

(ii) ~~A prisoner who has a classification of security level V that is not due to a waiver, whether or not she or he is housed in a level V institution.~~

(iii) ~~A prisoner who is housed in segregation at a level V or level VI institution.~~

(iv) ~~A prisoner who is housed in segregation at other than a level V or level VI institution if that prisoner has a classification of security level V that is not due to a waiver.~~

(32) ONLY PRISONERS WHO HAVE A TRUE SECURITY LEVEL OF I, II OR III ARE ELIGIBLE FOR FUNERAL AND SICK BED VISITS. (e) ~~A prisoners who are serving A LIFE SENTENCE for first degree murder or a violation of the provisions of article 7 of Act No. 368 of the Public Acts of 1978, as amended, being § 333.7101 et seq. of the Michigan Compiled Laws, that is punishable by a sentence of life imprisonment without parole are not eligible for funeral or sick bed visits unless~~ IS ELIGIBLE ONLY IF a commutation has been granted by the governor OR a parole release date has been established by the parole board; and IF THE PRISONER HAS SERVED not less than 15 calendar years with a good institutional adjustment. ~~have been served.~~

(d) ~~To participate in a work release program subject to the provisions of R 791.4420, or to participate in a public works project.~~

(e) ~~If eligible for a furlough.~~

(2) ~~To be eligible for a furlough, a prisoner shall be housed in a level I institution and shall meet all of the following requirements:~~

(a) ~~Have an approved community status application.~~

(b) ~~Be classified to a level I custody level that is not due to a waiver.~~

(c) ~~Have a behavioral record that demonstrates a probability that the prisoner will honor the trust implicit in a furlough release.~~

- ~~(d) Agree to follow the conditions specified on the furlough permit.~~
- ~~(e) Have demonstrated good adjustment by not incurring major or minor misconducts for the previous 90 days while housed in a level I institution.~~
- ~~(f) Have demonstrated good adjustment when released on previous furloughs.~~
- ~~(g) Not have any new felony convictions for crimes committed while on previous furloughs or while residing in a community corrections center or community residential home.~~
- ~~(h) Be within 12 months of the earliest release date, as defined in R 791.4410, except if the prisoner is serving for an assaultive offense designated in R 791.4410, in which case a prisoner shall be within 180 days of the earliest release date.~~
- ~~(3) A furlough may be authorized only for any of the following reasons:~~
 - ~~(a) A visit to a critically ill immediate family member.~~
 - ~~(b) Attendance at the family visitation or funeral of an immediate family member.~~
 - ~~(c) Contacting prospective employers.~~
 - ~~(d) Obtaining medical services that are not otherwise available, with the approval of the facility head.~~
- ~~(4) A prisoner who is released for a furlough that is granted pursuant to the provisions of subrule (3)(a), (b), or (c) of this rule shall be escorted by an adult member of the prisoner's immediate family.~~
- ~~(5) The eligibility criteria of R 791.4410(1) may be waived if a prisoner is released for a furlough pursuant to the provisions of subrule (3)(d) of this rule, if the prisoner qualifies for level I security status, or if the prisoner is so incapacitated by infirmity as to be deemed harmless to society. Reasonable security measures shall be provided after medical recovery of prisoners.~~
- ~~(6) A prisoner who returns from furlough shall submit to drug testing.~~
- ~~(47) The maximum amount of time a A prisoner SHALL NOT BE APPROVED FOR is eligible for furlough FUNERAL AND SICK BED VISITS shall not be more than THAT EXCEED a cumulative total of 30 days during the prisoner's current incarceration, except that the 30 day limit does not apply to medical furloughs.~~
 - ~~(8) Each FUNERAL OR SICK BED VISIT furlough that is granted shall be considered to be 1 day, regardless of the actual length of time. A furlough FUNERAL OR SICK BED VISIT, INCLUDING TRAVEL, shall not be APPROVED FOR more than 12 hours in duration, except THAT THE DEPUTY DIRECTOR FOR CORRECTIONAL FACILITIES MAY APPROVE A VISIT UP TO 24 HOURS IN DURATION under the following circumstances:~~
 - ~~(a) Medical furloughs.~~
 - ~~(b) FOR If a prisoner must REQUIRED TO travel more than 500 miles round trip, a furlough may be up to 24 hours in duration if approved by the deputy director for correctional facilities.~~
- ~~(59) A PRISONER APPROVED FOR A FUNERAL OR SICK BED VISIT SHALL REMAIN IN THE CUSTODY OF CORRECTIONAL OFFICERS AT ALL TIMES TO, FROM, AND DURING THE VISIT. Costs that are incurred for any furlough THE VISIT, INCLUDING ALL CUSTODIAL COSTS, shall be borne by the prisoner or the prisoner's family. , except for health care services that are provided at the request of the department.~~
- ~~(610) For the purpose of this rule, "immediate family" means any of the following entities:~~
 - ~~(a) Grandparents.~~
 - ~~(b) Parents.~~
 - ~~(c) A Spouse.~~
 - ~~(d) Children.~~
 - ~~(e) Stepchildren.~~
 - ~~(f) Siblings.~~
 - ~~(g) Aunts/and uncles if verification is provided that they served as surrogate parents.~~

PART 5. PRISONER MISCONDUCT

R 791.5501 Major misconduct; minor misconduct; hearing; confiscation and disposition of contraband.

Rule 501. (1) An alleged violation of ~~prisoner~~ DEPARTMENT rules shall be classified as major misconduct or minor misconduct on the basis of the seriousness of the act and the DISCIPLINARY ~~punitive~~ sanctions allowed. The director shall determine what constitutes major and minor misconduct, THE TIME LIMITS FOR CONDUCTING HEARINGS, AND THE RANGE OF DISCIPLINARY SANCTIONS WHICH MAY BE IMPOSED UPON A FINDING OF GUILT.

(2) ~~Unless delayed for reasonable cause, a~~ A prisoner charged with major misconduct SHALL BE PROVIDED ~~has a right to a formal hearing as provided in~~ CONDUCTED IN ACCORDANCE WITH R 791.3315. ~~within the following time limits: (6) A prisoner charged with minor misconduct has a right~~ SHALL BE PROVIDED ~~to a fact-finding hearing as provided in~~ CONDUCTED IN ACCORDANCE WITH R 791.3310. Upon a finding of guilt OF MAJOR OR MINOR MISCONDUCT, the prisoner shall be subject to the ~~punitive~~ DISCIPLINARY sanctions ~~provided in R 791.5505(4)~~ ORDERED BY THE HEARING OFFICER.

(a) ~~If the prisoner is confined to segregation or placed on toplock as a result of the major misconduct charge, a hearing shall be held within 7 business days of placement in confinement unless the prisoner is released from confinement before that time period expires.~~

(b) ~~If the prisoner is in general population pending a hearing, or is transferred to a higher level of security, to a local jail facility, or to one of the department's reception centers as a result of a major misconduct charge, a hearing shall be held within 14 business days of that transfer or receipt of written notice of the charge, whichever occurs first.~~

(3) ~~These time limits apply unless there is reasonable cause for delay as determined by the hearing officer and set forth in the written decision prepared pursuant to R 791.3315. A delay shall be determined to be reasonable unless it is due to staff negligence or misconduct, except that excessive work load shall not be reasonable cause for delay unless it is due to unusual circumstances, for example, an institutional disturbance, a mobilization, or severe weather.~~

(4) ~~Notwithstanding the time limits set forth in subrule (2) of this rule, the warden shall ensure that a prisoner is not confined to segregation or placed on toplock without a hearing for more than 4 business days.~~

(5) ~~Upon a finding of guilt, a prisoner shall be subject to the punitive sanctions provided in R 791.5505(1) and (2).~~

(3) A PRISONER MAY PLEAD GUILTY TO A MINOR OR MAJOR MISCONDUCT AND WAIVE A HEARING BY SIGNING A WRITTEN WAIVER. IF THE WAIVER IS ACCEPTED, DISCIPLINARY SANCTIONS MAY BE IMPOSED BY THE DEPARTMENT OFFICIAL ACCEPTING THE WAIVER.

(4) IN ADDITION TO THE DISCIPLINARY SANCTIONS IMPOSED PURSUANT TO THIS RULE, A PRISONER WHO IS FOUND GUILTY OF A MAJOR MISCONDUCT SHALL BE SUBJECT TO BOTH OF THE FOLLOWING PROVISIONS:

(A) A PRISONER WHO IS SUBJECT TO GOOD TIME OR DISCIPLINARY CREDITS WILL NOT EARN GOOD TIME OR DISCIPLINARY CREDITS DURING THE MONTH IN WHICH THE MAJOR MISCONDUCT VIOLATION OCCURRED. THE WARDEN ALSO MAY FORFEIT PREVIOUSLY EARNED GOOD TIME AND DISCIPLINARY CREDITS PURSUANT TO R 791.5513, AND NOT GRANT SPECIAL GOOD TIME AND SPECIAL DISCIPLINARY CREDITS.

(B) A PRISONER WHO IS SUBJECT TO DISCIPLINARY TIME WILL ACCUMULATE DISCIPLINARY TIME FOR THE MAJOR MISCONDUCT PURSUANT TO R 791.5515.

(75) Property determined to be contraband at a misconduct hearing OR BASED ON A WAIVER ACCEPTED PURSUANT TO THIS RULE shall be confiscated and disposed of in accordance with departmental policy as directed by the hearing officer OR DEPARTMENT OFFICIAL WHO ACCEPTED THE WAIVER.

R 791.5505 Rescinded.

R 791.5510 Rescinded.

PART 6. PRISONER RIGHTS AND PRIVILEGES

R 791.6603 ~~Mail rights; writing materials and postage; Incoming AND OUTGOING mail REQUIREMENTS; inspection; limitations; legal correspondence; notice of rejection; violations of rules appeals.~~

Rule 603. (1) A prisoner who is in general population status shall be permitted to send sealed letters to any person or organization, subject to the limitations of this rule. However, all outgoing mail shall contain a return address, including the prisoner's full FIRST AND LAST name, ~~prison~~ AND IDENTIFICATION number and ~~institutional~~ THE FACILITY'S name and address. Any outgoing mail that does not contain at least the prisoner's NAME AND IDENTIFICATION ~~prison~~ number ~~will~~ MAY be destroyed. OUTGOING mail of a prisoner who is in segregation status shall be subject to inspection, except for correspondence to any of the following entities:

- (a) Attorneys.
- (b) Courts.
- (c) Public officials.
- (d) ~~the~~ The director- DEPARTMENT'S CENTRAL OFFICE STAFF.
- (e) The OFFICE OF THE legislative corrections ombudsman.
- (f) Representatives of the news media., ~~being persons who are primarily employed to gather or report news for any of the following:~~
 - (i) ~~A newspaper of general circulation in the community in which it publishes.~~
 - (ii) ~~A magazine of statewide or national circulation that is sold at newsstands or by mail to the general public.~~
 - (iii) ~~A radio or television station that is licensed by the federal communications commission.~~
 - (f) ~~The warden of the institution in which the prisoner is segregated.~~

(2) A prisoner ~~shall be provided, at no individual expense, with a reasonable quantity of writing materials and, if indigent, as determined TO BE INDIGENT by DEPARTMENT policy established by the director,~~ SHALL BE LOANED with a reasonable amount of ~~free~~ postage each month, not to exceed the equivalent of 10 first- class mail stamps for letters within the United States of 1 ounce or less. Additional postage shall be loaned to prisoners AS NECESSARY to post mail to courts, attorneys, and parties to a lawsuit that is required for pending litigation. The department shall provide air, certified, ~~registered~~, oversized, foreign, and overweight mail service for use at the prisoner's individual expense only, except that the cost of certified mail will be loaned to a prisoner if the department is required to do so by a court order. ~~A prisoner shall not be allowed to receive stamps through the mail. All stamps shall be purchased through the prisoner store.~~

(3) Subject to the limitations of this rule, a prisoner may receive any printed, typed, or handwritten items that are transmitted through the United States postal service, interdepartmental mail, or a commercial delivery service., ~~except for a catalog, unless it is from a vendor that is~~

~~authorized by the institution, or multiple copies of the same item. Subject to the limitations of this rule, a prisoner may receive any book, periodical~~ BOOKS, MAGAZINES, ~~or~~ and other publicationS SHALL BE PERMITTED ONLY IF SENT DIRECTLY TO THE PRISONER FROM THE PUBLISHER OR IF ORDERED BY THE PRISONER THROUGH THE FACILITY AND SENT DIRECTLY TO THE PRISONER FROM A VENDOR AUTHORIZED BY THE DEPARTMENT. ~~if it is sent directly from a publisher or retail outlet that is authorized by the institution head. A prisoner shall not receive CATALOGS, EXCEPT AS SPECIFICALLY AUTHORIZED BY DEPARTMENT POLICY, AND used books or other used publications ARE PROHIBITED.~~

(43) All incoming mail shall be opened and inspected for ~~money and~~ contraband before delivery to the addressee. CONTRABAND IS DEFINED AS ANY PROPERTY THAT A PRISONER IS NOT SPECIFICALLY AUTHORIZED TO POSSESS BY DEPARTMENT POLICY. ~~The department shall follow the guidelines of the auditor general for the receiving and safe handling of money and valuables confiscated from incoming mail. Pursuant to a specific written request by a prisoner, mail that is clearly identified as coming from the prisoner's attorney, the legislative corrections ombudsman, or a state or federal court shall be opened and inspected for contraband in the prisoner's presence. ALL incoming mail from ANother correctional facilities PRISONER may be read.~~

(5) A prisoner shall not be allowed to send or receive any item of mail that is or does any of the following:

(a) Contravenes federal or state law.

(b) Violates postal regulations.

~~(c) Contains contraband, which is defined as any property that a prisoner is not specifically authorized to possess.~~

~~(Cd)~~ Contains a criminal plan or conspiracy.

~~(De)~~ Is threatening.

~~(Ef)~~ Is addressed to any party who expressly objects to receiving mail from a prisoner if the item is sent after the prisoner has been notified of the objection.

~~(Fg)~~ Is a threat to the order and security of the ~~institution~~ FACILITY or the rehabilitation of a prisoner.

~~(iG)~~ Is for the purpose of operating a business enterprise.

~~(6)(h)~~ A PRISONER MAY SEND MAIL TO, AND RECEIVE MAIL FROM, ANOTHER PRISONER ONLY AS SET FORTH IN DEPARTMENT POLICY. ~~Is from another prisoner, except when the prisoners are immediate family members,, or are seeking or giving legal assistance as approved by the department. For the purposes of this subdivision, an immediate family member means any of the following entities:~~

~~(i) Grandparents.~~

~~(ii) Parents.~~

~~(iii) A Spouse.~~

~~(iv) Children.~~

~~(v) Step children.~~

~~(vi) Siblings.~~

~~(vii) Aunts/ and uncles if verification is provided that they SHE/HE served as A surrogate parents.~~

(76) The department may intercept, open, inspect, read, and refuse to transmit mail when there are reasonable grounds to believe the mail is being sent contrary to the provisions of this rule. This subrule shall not apply to clearly identified correspondence to any of the following entities, unless a specific written request is made by the entity:

(a) Courts.

(b) Attorneys.

(c) Public officials.

- (d) The OFFICE OF THE legislative corrections ombudsman.
- (e) ~~Members of~~ The department's central office staff.
- (f) ~~The warden~~ STAFF of the institution in which the prisoner is incarcerated.
- (8) When the department rejects mail ~~an item~~, pursuant to ~~the provisions of this rule, that has been mailed to a prisoner in one of its facilities~~, it shall send written notification of the rejection to the sender if the sender's address is included on the ~~correspondence~~ mail. The sender may appeal the rejection to the warden.
- (97) A prisoner who is not allowed to send or receive an item of mail ~~that is determined to be in violation of the provisions of~~ PURSUANT TO this rule may appeal ~~to the warden~~ THE DETERMINATION BY FILING A GRIEVANCE.

NOTICE OF PUBLIC HEARING

ORR # 2002-011

DEPARTMENT OF CORRECTIONS

GENERAL RULES

The Michigan Department of Corrections will hold a public hearing on proposed administrative rules in the Auditorium on the First Floor of the G. Mennen Williams Building, 525 West Ottawa, Lansing, Michigan on August 6, 2002 at 10:00 a.m. This hearing is being conducted pursuant to the Administrative Procedures Act, under authority conferred on the Director of the Department of Corrections by MCL 791.206. The rules will take effect seven days after filing with the Secretary of State.

The following administrative rules are the subject of the public hearing:

R 791.1101 Definitions. The definitions of “facility”, “institution”, “offender” and “resident” are revised.

R 791.3301 Hearing officers; designations; powers. Rule references within the rule are being revised.

R 791.3310 Fact-finding hearing; notice; report; waiver. Rule references within the rule are being revised.

R 791.3320 Appeals; notice; sanctions stayed; basis of review; permissible dispositions on appeal; finality. Rule references within the rule are being revised.

R 791.4401 Security classification; criteria; security classification committee; levels of custody; additional criteria for certain classifications; grievance. Rule references within the rule are being revised.

R 791.4415 Extensions of limits of prisoner’s confinement; purposes; criteria; time limits; costs. The criteria for extending the limits of confinement are being revised.

R 791.5501 Major misconduct; minor misconduct; hearing; confiscation and disposition of contraband. The rule is being revised to allow the Director to determine the time limits for conducting misconduct hearings and the range of available sanctions if found guilty. It also will allow for a prisoner to waive a hearing for major misconduct.

R 791.5505 Sanctions for major and minor misconduct; guilty plea; waiver. The rule is being rescinded due to revisions made to R 791.5501.

R 791.5510 Punitive segregation; regulations and procedures; limitations; daily inspection; record. The rule is being rescinded because there is no statutory requirement that a rule be promulgated regarding this subject and thus can be addressed by Department policy.

R 791.6603 Incoming and outgoing mail requirements; inspection; limitations; legal correspondence; notice of rejection; appeals. The rule is being revised to incorporate Emergency Rules 1 and 2, and to permit prisoners to receive publications only if purchased by the prisoner through the facility. Requirements that can be addressed by Department policy are deleted.

Interested persons may appear at the hearing to present data, views and arguments relative to the proposed rules. (Picture identification is required to enter the building.) If you are in need of reasonable accommodation to participate in the hearing, please contact the Office of Policy and Hearings at (517) 373-0450. Persons unable to attend may submit comments in writing to the Office of Policy and Hearings, Department of Corrections, P. O. Box 30003, Lansing, Michigan, 48909. The deadline for comments is August 27, 2002.

Copies of the proposed rules are available at www.michigan.gov/orr. Copies also are available from the Department of Corrections at the address indicated above. A copy of the proposed rules also will be available to prisoners in the libraries at all correctional institutions or in other areas designated by the Warden where no library exists

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The office of regulatory reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the office of regulatory reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The office of regulatory reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

State of Michigan John Engler, Governor Department of Consumer & Industry Services Kathleen M. Wilbur, Director	<h1 style="margin: 0;">MEMORANDUM</h1>
To:	Brian Devlin Office of Regulatory Reform
From:	Tom Martin Regulatory Affairs Officer
Subject:	Rule Set: (1996-022) Correction of Obvious Error in Child Care Center Rules
Date:	June 19, 2002

The Child Care Center Rules became effective July 1, 2000. R 400.5104a contains an obvious error, highlighted in bold print below:

<p>R 400.5104a Staff; parent participation; volunteers.</p> <p>Rule 104a. (1) Staff shall not be present in a child care center if either of the following conditions apply:</p> <ul style="list-style-type: none"> (a) They have been convicted of child abuse or neglect. (b) They have been convicted of a felony involving harm or threatened harm. <p>(2) Volunteers shall not have contact with children while in care of a child care center if either of the following conditions apply:</p> <ul style="list-style-type: none"> (a) They have been convicted of child abuse or neglect. (b) They have been convicted of a felony involving harm or threatened harm. <p>(3) Before staff or volunteers may have contact with children while in care of a child care center, the staff or volunteer shall provide the center with documentation from the family independence agency that he or she has not been placed on the central registry for substantial abuse or neglect, as defined in Act No. 238, Public Acts of 1975, as amended, being §§722.621 to 722.636 of the Michigan Compiled Laws. If the volunteer is a parent, then this subrule may be waived if the center has a written plan of supervision for such parents.</p>
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In subrule (3) above, the word “**substantial**” should be replaced by the word “**substantiated**.”

Per MCL 24.256, we are requesting this correction be published in the *Michigan Register* and the **Michigan Administrative Code**.

If you have any questions about this transmittal, you may contact Norene Lind at 241-4146.

cc: Agency liaison

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MEMORANDUM

June 21, 2002

Tom Martin, Regulatory Affairs Officer
Department of Consumer and Industry Service
P.O. Box 30004
Lansing, Michigan 48909

Re: Request for correction of R 400.5104a in the Michigan Administrative Code.

Dear Mr. Martin:

I have read your letter dated June 20, 2002 and I agree that the requested correction to R 400.5104a can be made pursuant to MCL 28.256.

The Office of Regulatory Reform will immediately make the necessary correction in the Michigan Administrative Code.

Sincerely,

Brian D. Devlin, Director
Office of Regulatory Reform
Executive Office, Legal Division

BDD/do

OTHER OFFICIAL INFORMATION

MCL 24.208 states in part:

Sec. 8. The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(i) Other official information considered necessary or appropriate by the office of regulatory reform.

OTHER OFFICIAL INFORMATION

MEMORANDUM

To: Brian D. Devlin
Office of Regulatory Reform

From: Brad Deacon
Department of Agriculture

Date: May 30, 2002

Subject: Legislative Repeal of Administrative Rules.

Portions of the Michigan Administrative Code have been repealed through the enactment of 2001 PA 266 and 2001 PA 267. The Department of Agriculture is writing the Office of Regulatory Reform to request that corrections of the Code be made pursuant to Administrative Procedures Act, Section 56(1), MCL 24.256.

2001 PA 266; MCL 288.495, repealed the following administrative rules, effective March 4, 2002:

- R 285.408.1, R 285.408.2, R 285.408.3, R 285.408.4, and R 285.408.5

2001 PA 267; MCL 288.591, repealed the following administrative rules, effective March 4, 2002:

- R 285.400.1
- R 285.402.1
- R 285.404.1
- R 285.405.1, R 285.408.2, R 285.408.5, R 285.408.6, R 285.408.7, R 285.408.8, R 285.408.9, R 285.408.10, R 285.408.11, R 285.408.12, R 285.408.13, R 285.408.14, R 285.408.15, R 285.408.16, R 285.408.17, R 285.408.18, R 285.408.19, R 285.408.21, R 285.408.23, R 285.408.24, R 285.408.25, R 285.408.27, R 285.408.29
- R 285.407.1, R 285.407.2, R 285.407.3, R 285.407.4, R 285.407.5, and R 285.407.6
- R 285.409.1

OTHER OFFICIAL INFORMATION

To: Brian D. Devlin
Office of Regulatory Reform

From: John Wynalda
Department of Natural Resources

Date: June 19, 2002

Subject: Legislative Repeal of Administrative Rules.

Portions of the Michigan Administrative Code have been repealed through the enactment of 2001 PA 23. The Department of Natural Resources is writing the Office of Regulatory Reform to request that corrections to the Code be made pursuant to the Administrative Procedures Act, Section 56(1), MCL 24.256.

2001 PA 23 repealed the following administrative rules effective June 18, 2001:

- R 299.641 through R 299.659, entitled “Department of Natural Resources, Wildlife Division, Shooting Preserves.”

As always, please do not hesitate to contact me if you have any questions.

Thank you.

**EXECUTIVE ORDERS
AND
EXECUTIVE REORGANIZATION ORDERS**

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.”

EXECUTIVE ORDERS

EXECUTIVE ORDER

No. 2002 - 11

OFFICE OF REGULATORY REFORM

NEW OFFICE OF REGULATORY REFORM

EXECUTIVE OFFICE OF THE GOVERNOR

DEPARTMENT OF MANAGEMENT AND BUDGET

EXECUTIVE REORGANIZATION

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Office of Regulatory Reform was created in the Executive Office of the Governor by Executive Order 1995-6, being Section 10.151 of the Michigan Compiled Laws, to review proposed rules, coordinate the processing of rules by state agencies, and work with agencies to streamline the rulemaking process and to improve public access; and

WHEREAS, Section 34 of Act No. 262 of the Public Acts of 1999, being Section 24.234 of the Michigan Compiled Laws, codified the authority of the Office of Regulatory Reform as a Type I agency within the Department of Management and Budget, the principal department created by Section 121 of Act No. 431 of the Public Acts of 1984, being Section 18.1121 of the Michigan Compiled Laws; and

WHEREAS, all of the authority, powers, duties, functions, grants and responsibilities of the Office of Regulatory Reform provided for in Act No. 306 of the Public Acts of 1969, as amended, being Section 24.201 et seq. of the Michigan Compiled Laws, and in Executive Order 1995-6, being Section 10.151 of the Michigan Compiled Laws, were transferred to the Executive Office of the Governor by Executive Order 2000-1, being Section 10.152 of the Michigan Compiled Laws; and

WHEREAS, the Office of Regulatory Reform has established procedures to review proposed rules, coordinate the processing of rules by state agencies and work with the agencies to streamline the rulemaking process and to improve public access; and

WHEREAS, it is organizationally sound and appropriate to continue to concentrate the review and legal certification of rules and regulations in one office.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan do hereby order the following:

I. TRANSFER

All the authority, powers, duties, functions, grants and responsibilities of the Office of Regulatory Reform provided for in Act No. 306 of the Public Acts of 1969, as amended, being Section 24.201 et seq. of the Michigan Compiled Laws, and in Executive Order 1995-6, being Section 10.151 of the Michigan Compiled Laws, and in Executive Order 2000-1, being Section 10.152 of the Michigan Compiled Laws are hereby transferred by Type I transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, to the Department of Management and Budget. The Office of Regulatory Reform shall exercise its prescribed statutory powers, duties and functions independently of the head of the department.

II. MISCELLANEOUS

A. The Director of the Office of Regulatory Reform shall provide executive direction and supervision for the implementation of all transfers of authority made under this Order.

B. The Director of the Office of Regulatory Reform shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. The Director of the Department of Management and Budget shall immediately initiate coordination with the Executive Office of the Governor to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

D. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Office of Regulatory Reform located within the Executive Office of the Governor for the activities, powers, duties, functions and responsibilities transferred to the Office of Regulatory Reform located within the Department of Management and Budget are hereby transferred to the Office of Regulatory Reform located within the Department of Management and Budget.

E. The Director of the Office of Regulatory Reform may, by written instrument, delegate a duty or power conferred by this Order, and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Office of Regulatory Reform.

F. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.

G. All rules, orders, contracts, grants and agreements relating to the functions transferred to the Office of Regulatory Reform located within the Department of Management and Budget by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended or rescinded.

H. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

I. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective September 1, 2002.

Given under my hand and the Great Seal of the state of
Michigan this _____ day of June, in the Year of our Lord,
Two Thousand Two.

GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(j) Attorney general opinions. ”

OPINIONS OF THE ATTORNEY GENERAL

ASSESSMENTS: Effect of tax foreclosure proceedings on liens
for special assessments

MUNICIPAL CORPORATIONS:

TAX COLLECTION:

TAX LIENS:

Liens for future installments of special assessments levied by townships are not extinguished by tax foreclosure proceedings under the General Property Tax Act.

Opinion No. 7110 June 17, 2002

Honorable Philip Hoffman
State Senator
The Capitol
Lansing, MI 48913

You have asked whether liens for future installments of special assessments levied by a township are extinguished by tax foreclosure proceedings under the General Property Tax Act.

The General Property Tax Act (GPTA), 1893 PA 206, MCL 211.1 *et seq*, was enacted, in part, to provide for the collection of taxes by making taxes a lien on property and to provide for the sale or forfeiture and conveyance of property that is delinquent for taxes.

Through 1999 PA 123, the Legislature added sections 78-78p to the GPTA. These amendments significantly changed the real property tax foreclosure process that had prevailed in this state for over a century, so as to facilitate the prompt return of tax delinquent lands to productive economic use. House Legislative

Analysis, HB 4489, July 23, 1999. Before the 1999 amendments, delinquent tax liens were offered for sale to private persons at public sales conducted pursuant to circuit court judgments obtained by the several counties in the name of the State Treasurer.¹ If no bids were received, the tax liens were "bid off" to the State of Michigan. If no person redeemed the lands, the tax lien purchaser was entitled to receive from the State Treasurer a deed conveying the lands. For lands bid off to the state and not redeemed, the state received a State Treasurer's deed memorializing its acquisition of title pursuant to the terms of the circuit court judgment. This process could take as long as six years to complete, thus delaying the return of lands to the tax rolls. *Id.*

The 1999 amendments to the GPTA now require that judicial proceedings to effectuate a tax foreclosure be brought by either the state or the county. Section 78(6) of the GPTA defines the term "foreclosing governmental unit" to mean (1) the "treasurer of a county," or (2) the "state" if a county has opted to have the state effectuate the foreclosure. The 1999 amendments also eliminated private persons from purchasing tax liens in the tax foreclosure process. Under the new process, there is no sale of delinquent tax liens. Rather, delinquent tax liens are forfeited to the county treasurer in March of the second year of the tax delinquency (section 78g), and the property is foreclosed at a circuit court hearing held at the end of the second year of delinquency, followed by a 21-day redemption period after the entry of judgment. Section 78k.

Section 78k(5)(c), which addresses the judgment to be entered by the circuit court, provides that:

The circuit court shall enter judgment on a petition for foreclosure filed under section 78h All redemption rights to the property expire 21 days after the circuit court enters a judgment foreclosing the property as requested in the petition for foreclosure. The circuit court's judgment shall specify all of the following:

* * *

¹ For sales conducted before 1966, the judgments were obtained in the name of the Auditor General.

(c) *That all liens against the property. . . except future installments of special assessments and liens recorded by this state or the foreclosing governmental unit pursuant to the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, are extinguished, if all forfeited delinquent taxes, interest, penalties, and fees are not paid within 21 days after entry of the judgment. [Emphasis added.]*

In construing these subsections, a review of the history of the GPTA's provisions affecting treatment of delinquent tax liens, particularly those for special assessments under the previous tax foreclosure process, is instructive. In the midst of the Great Depression, the Legislature imposed a six-year moratorium on tax sales. In *Baker v State Land Office Bd*, 294 Mich 587, 592-594; 293 NW 763 (1940), the prevailing conditions that prompted the moratorium are described in detail. There, the Court sustained the cancellation of all existing liens and encumbrances against arguments that the statute destroyed vested rights of governmental units and of persons holding bonds issued to pay for governmental improvements. The Court observed "that such (bond) purchasers can be assumed to have purchased with knowledge that the lien upon the property securing such taxes and assessments might be displaced." *Baker*, 294 Mich at 599. Similar challenges by holders of bonds for which the proceeds of special assessments were pledged also failed for the same reasons. *Municipal Investors Ass'n v City of Birmingham*, 298 Mich 314, 323; 299 NW 90 (1941).

As part of a substantial revision of the tax foreclosure procedures, 1941 PA 234 amended section 67 of the GPTA to provide that title to lands bid in to the state shall become absolute, and all special assessment and liens were cancelled. However, through 1984 PA 103, which amended 67a, the Legislature extended protection for certain liens for past and future installments of special assessments. Amended section 67a provides, in part, that:

(3) Special assessments which are levied against property and which are pledged for the repayment of bonds or notes issued by a local unit to finance public improvements for which the special assessments are authorized shall be considered to be deferred at the time title becomes absolute in the state and until such time as the property is sold by the state. If the property is

sold by the state, all unpaid special assessments or special assessment installments due and payable at the time title becomes absolute in the state which are pledged for the repayment of bonds or notes issued by a local unit to finance public improvements for which the special assessments were authorized, plus any interest or penalties on those unpaid special assessments or special assessment installments due and payable at the time title becomes absolute in the state, shall be due and payable as part of the purchase price of the property. . . .

Following enactment of 1984 PA 103, failure to redeem lands bid to the state resulted in the cancellation of *all* taxes and special assessments except those special assessments levied against property for the repayment of bonds and notes issued by local governmental units² to finance public improvements. Past installments were deferred and collected by the state upon the sale of the property. Future installments remained valid.

As part of the 1999 amendments to the GPTA, section 78k(5)(c) was added by 1999 PA 123. This section does not preserve liens for delinquent special assessment installments imposed on the property prior to the entry of a foreclosure judgment. Under these amendatory provisions, similar to those in effect at the time of the *Baker* decision, *supra*, liens for special assessments held by a township, as well as any other local governmental unit, are canceled. As described in *Baker*, tax foreclosed lands are made free of liens for delinquent special assessments. However, special assessment installments that become due and payable *after* acquisition of title by the state or county are not canceled. Foreclosure does not cancel "future installments of special assessments and liens recorded by this state or the foreclosing governmental unit pursuant to the natural resources and environmental protection act." Section 78k(5)(c). The language "recorded by this state or the foreclosing governmental unit" amends its last antecedent, *i.e.*, the word "liens" and not the words "special assessments." "Qualifying words and phrases in a statute refer solely to the last antecedent in which no contrary

² "Local units," as the term was used in the former process, would include all cities, villages, townships, counties, or other public authorities authorized to undertake public improvements and levy special assessments pledged for the repayment of

intention appears." *Weems v Chrysler Corp*, 448 Mich 679, 700; 533 NW2d 287 (1995). See, 2A Sutherland Statutory Construction (6th ed), § 47.33, pp 369-371.

"Liens" and notices of liens are recorded in the office of the register of deeds for the county in which the lands are located. "Special assessments" are not recorded. Liens may only be accepted for recording where there is a statute permitting such recordation. *Nelson v Scofield*, 219 Mich 595, 597; 189 NW 185 (1922). Research discloses no statute authorizing the recording of liens for special assessments levied by local governmental units. Therefore, the legislative intent evinced by the statutory language is that two categories of liens are not extinguished by foreclosure: 1) future installments of special assessments, and 2) liens recorded by the state or foreclosing governmental unit pursuant to the natural resources and environmental protection act.

Accordingly, special assessment installments coming due after acquisition of title by the state or county are not canceled by tax foreclosure proceedings. While either the state or the county in which the land is located may serve as the foreclosing governmental unit, there is no legislative intent to limit special assessments to those levied by a county or the state. Accordingly, there is no basis to conclude that the Legislature intended to protect only those "local" special assessments imposed by a county.

Section 67a, as amended by 1984 PA 103, protected only special assessments that were levied against property and that were pledged for the repayment of bonds or notes issued by local governmental units to finance public improvements. Section 67a, however, is repealed by 1999 PA 123, effective December 31,

securities issued to defray the cost of such public improvements. See, e.g., the Revenue Bond Act of 1933, 1933 PA 94, MCL 141.101 *et seq.*

2003. No such limitation appears in new section 78k of the GPTA. Thus, special assessments protected under section 78k include unpaid future installments of special assessments levied by local governmental units.

It is my opinion, therefore, that liens for future installments of special assessments levied by townships are not extinguished by tax foreclosure proceedings under the General Property Tax Act.

JENNIFER M. GRANHOLM
Attorney General

OPINIONS OF THE ATTORNEY GENERAL

LIBRARIES: Township donating money to school
district/public library

PUBLIC MONEY:

TOWNSHIPS:

A township is not authorized to donate township funds to a combined school district/public library, but may enter into a contract to provide township funds to the library in return for library services to township residents.

Opinion No. 7111 June 17, 2002

Honorable Don Koivisto
State Senator
The Capitol
Lansing, MI 48913

You have asked whether a township is authorized to donate township funds to a combined school district/public library that provides library services to its residents.

Information supplied with your request indicates that a combined school district/public library provides library services to residents of a township. The township's legislative body, however, has not contracted for library services from the public library. In order to assist the public library in its delivery of services, the township board proposes to donate township funds to the public library. My staff is informed by the Library of Michigan that the library in question is a combined school/public library established by a school district under the authority of Part 20, section 1451 of the Revised School Code, 1976 PA 451, MCL 380.1 *et seq.* The township in question is within the legal service area of the combined school/public library. Three other

townships, located outside the library's legal service area, receive library services for their residents pursuant to contracts with the combined school/public library.

Const 1963, art 7, § 17, provides that "[e]ach organized township shall be a body corporate with powers and immunities provided by law." As an instrumentality of the state for the purpose of providing local government services, a township has only the powers and authority "prescribed by law." *Hanslovsky v Leland Twp*, 281 Mich 652, 655; 275 NW 720 (1937). Local units of government "have no inherent powers and possess only those limited powers which are expressly conferred upon them by the state constitution or state statutes." *Hanselman v Wayne County Concealed Weapon Licensing Bd*, 419 Mich 168, 187; 351 NW 2d 544 (1984).

The Attorney General has concluded that in the absence of statutory authority, a township may not make a gift of township funds to a county road commission to assist in creation of a county overnight camp, OAG, 1949-1950, No 871, p 89 (January 11, 1949), or to pay money to a county to discharge the private debts of township taxpayers, OAG, 1947-1948, No 622, p 495 (April 8, 1948), regardless of the desirability of such a gift and the availability of township funds to pay the gift, 2 OAG, 1956, No 2789, p 647 (November 7, 1956). On the other hand, OAG, 1977-1978, No 5250, p 297 (December 28, 1977), concluded that a *county* may expend a portion of its funds for township library services for county residents. That opinion specifically noted, however, that the County Libraries Act, 1917 PA 138, MCL 397.301 *et seq*, "authorizes counties to enter into contractual relationships with townships whereby such counties are permitted to give financial assistance to township libraries in return for library services to be furnished county residents." *Id.* at 298.

Research discloses no constitutional or statutory authority for a township to make donations of public funds to a school district/public library. Various state statutes do, however, authorize a township to provide financial support for a school district or public library pursuant to a contract or agreement with the library that provides or is willing to provide library services to township residents. For example, a township could contract with a school district or a public library for library services under the Urban Cooperation Act of 1967, MCL 124.501 *et seq.* In addition, under the District Library Establishment Act, MCL 397.171 *et seq.*, a township could enter into an agreement with a city, village, school district, another township, or county to establish a district library or to join an established district library, and to appropriate township funds for such purposes. A township may also use statutes that authorize appropriations in support of services to senior citizens (MCL 400.571 *et seq.*), and in support of activities to preserve township history (MCL 399.161 and MCL 399.171 *et seq.*), as a basis for agreements with a public library. See, for example, OAG, 1999-2000, No 7016, p 24 (May 13, 1999); OAG, 1977-1978, No 5402, p 714 (December 13, 1978).

It is my opinion, therefore, that a township is not authorized to donate township funds to a combined school district/public library, but may enter into a contract to provide township funds to the library in return for library services to township residents.

JENNIFER M. GRANHOLM
Attorney General

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		472	Yes	1/21	1/23	01/23/02	STATE; Funds; children's trust fund; revise investment options. (Sen. S. Johnson)
2	5027		Yes	1/21	1/23	01/23/02	HIGHWAYS; Name; renaming certain portion of M-69; designate as "Oscar G. Johnson Memorial Highway". (Rep. D. Bovin)
3		430	No	2/6	2/7	**	ENVIRONMENTAL PROTECTION; Other; dark sky preserve; repeal sunset. (Sen. B. Hammerstrom)
4		471	Yes	2/6	2/7	02/07/02	FINANCIAL INSTITUTIONS; Other; licensing of residential mortgage originator; clarify. (Sen. B. Leland)
5		615	Yes	2/6	2/7	02/07/02	HIGHWAYS; Name; renaming a certain portion of US-127; establish as the "Gary Priess Memorial Highway." (Sen. V. Garcia)
6	5436		Yes	2/14	2/14	02/14/02	PROPERTY; Conveyances; transfer of certain state owned properties in Tuscola county and Wayne county; provide for. (Rep. T. Meyer)
7		682	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in divorce law; enact change necessitated by 2001 PA 107. (Sen. B. Hammerstrom)
8		683	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in the family support act; enact changes necessitated by 2001 PA 111. (Sen. B. Hammerstrom)
9		684	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in child custody act; enact change necessitated by 2001 PA 108. (Sen. B. Hammerstrom)
10		434	Yes	2/14	2/14	02/14/02	CHILDREN; Protection; reporting suspected child abuse or neglect; clarify provisions and add categories of mandated reporters. (Sen. B. Hammerstrom)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
11	4195		Yes	2/18	2/19	02/19/02	HEALTH FACILITIES; Nursing homes; individual responsible for receiving complaints and conducting complaint investigations; require nursing home to have such individual available 24 hours per day, 7 days per week. (Rep. B. Patterson)
12	4980		Yes	2/18	2/19	02/19/02	HIGHWAYS; Name; renaming certain portion of I-69; designate as "Purple Heart Highway." (Rep. P. DeWeese)
13	5005		Yes	2/18	2/19	2/19/02	TRANSPORTATION; Other; motor fuels quality; revise standards and penalties. (Rep. L. Julian)
14	5009		Yes	2/18	2/19	2/19/02	CHILDREN; Abuse or neglect; failure to report; increase penalties. (Rep. M. Middaugh)
15	4487		Yes	2/21	2/21	2/21/02	COMMERCIAL CODE; Sales; price of goods for which a writing is required for an enforceable contract; increase minimum to \$1,000.00. (Rep. J. Koetje)
16	4009		Yes	2/27	2/28	2/28/02	AGRICULTURE; Other; low-interest loans for certain agricultural disasters; provide for. (Rep. R. Jelinek)
17	4812		Yes	2/28	3/1	3/1/02	LIENS; Generally; ownership and lien rights of dies, molds, and forms ; revise. (Rep. A. Richner)
18	5382		Yes	2/28	3/1	3/1/2002 #	COMMERCIAL CODE; Secured transactions; reference to molder's lien act in secured transactions; amend uniform commercial code to provide. (Rep. M. Mortimer)
19	5023		Yes	3/4	3/4	03/04/02	COUNTIES; Other; recording requirements of register of deeds; revise. (Rep. A. Sanborn)
20	5024		Yes	3/4	3/4	03/04/02	PROPERTY; Land contracts; contracts for sale of land; eliminate witness requirement. (Rep. A. Sanborn)
21	5025		Yes	3/4	3/4	03/04/02	LAND USE; Land division; signatures on proprietor's certificate on the plat; eliminate witness requirement. (Rep. A. Sanborn)

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22	5186		Yes	3/4	3/4	03/04/02	COUNTIES ; Employees and officers; requirement for medical examiner to live in county of appointment; eliminate, and repeal acts and parts of acts. (Rep. G. Van Woerkom)
23	5022		Yes	3/4	3/4	03/04/02	COUNTIES ; Employees and officers; procedure for recording deeds and mortgages; eliminate witness requirement. (Rep. A. Sanborn)
24		505	No	3/5	3/6	** #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guideline provisions for possession of firearms on commercial airport property; provide for. (Sen. P. Hoffman)
25		718	Yes	3/5	3/6	03/06/02	WORKER'S COMPENSATION ; Insurers; certain assessments; revise. (Sen. B. Bullard Jr.)
26		496	Yes	3/5	3/6	03/06/02	INSURANCE ; Insurers; service of process in certain cases; provide for. (Sen. B. Bullard Jr.)
27	4028		Yes	3/5	3/6	03/06/02	LOCAL GOVERNMENT ; Other; spot blight designation and acquisition; provide for. (Rep. A. Richner)
28	5389		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. W. McConico)
29	5390		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. W. O'Neil)
30	5391		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
31	5392		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. L. Julian)

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32		493	Yes	3/7	3/7	03/07/02	INSURANCE ; Other; requirement for commissioner to obtain approval of a circuit court judge before issuing a subpoena in certain cases; eliminate. (Sen. B. Bullard Jr.)
33	5483		Yes	3/7	3/7	3/7/2002 #	BUSINESSES ; Nonprofit corporations; career development and distance learning; provide for in nonprofit corporation act. (Rep. J. Gilbert II)
34	5393		Yes	3/7	3/7	***	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
35		541	Yes	3/7	3/7	05/15/02	AERONAUTICS ; Other; general amendments; provide for. (Sen. W. North)
36	5482		Yes	3/7	3/7	03/07/02	BUSINESSES ; Nonprofit corporations; establishment and operation of registered distance learning corporations; authorize. (Rep. J. Allen)
37		604	Yes	3/7	3/7	03/07/02	INSURANCE ; Property and casualty; mandatory exams of rating organizations; eliminate. (Sen. V. Garcia)
38		605	Yes	3/7	3/7	03/07/02	INSURANCE ; No-fault; reference to public service commission certification; revise to the department of transportation. (Sen. M. Goschka)
39	5139		Yes	3/11	3/12	03/12/02	EDUCATION ; School districts; access to high school campus and certain student directory information for official armed forces recruiting representatives; require. (Rep. W. Kuipers)
40	4690		Yes	3/11	3/12	03/12/02	STATE ; Interstate compacts and agreements; Michigan participation in the interstate compact for adult offender supervision; establish. (Rep. C. LaSata)
41	5337		Yes	3/11	3/12	03/12/02	TRANSPORTATION ; Carriers; weight restrictions on certain highways or roads; revise. (Rep. J. Gilbert II)

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42	4987		Yes	3/12	3/12	03/12/02	OCCUPATIONS; Real estate; procedure for a deposit held by an escrowee; clarify. (Rep. M. Bishop)
43		180	Yes	3/13	3/14	03/14/02	CRIMES; Prostitution; qualifying underlying offenses to establish second, third, and subsequent offense violations; amend. (Sen. B. Schuette)
44	4325		Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; criteria for determining prior prostitution offenses; amend to include consideration of local ordinance violations. (Rep. C. Bisbee)
45	5449		Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; age limit restricting prosecution for certain prostitution violations; revise, and eliminate requirement of knowledge of age of child for certain other sex-related crimes. (Rep. J. Gilbert II)
46		1029	Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; age limit for charging certain prostitution violations; revise. (Sen. T. McCotter)
47	5033		Yes	3/13	3/14	6/1/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of soliciting child to commit an immoral act; enact. (Rep. M. Kowall)
48		880	Yes	3/14	3/14	11/1/2002 #	PUBLIC UTILITIES; Other; fee structures for use of public rights-of-way; provide for. (Sen. J. Schwarz)
49		881	Yes	3/14	3/14	03/14/02	COMMUNICATIONS; Telecommunications; Michigan community communications development authority; create. (Sen. L. Stille)
50		999	Yes	3/14	3/14	3/14/2002 #	PROPERTY TAX; Other; credit for the purchase and installation of certain telecommunications equipment; provide for. (Sen. V. Garcia)

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51	4672		Yes	3/12	3/15	03/15/02	EDUCATION ; Other; model local policy concerning the administration of medications to students at school; provide for. (Rep. J. Hansen)
52		796	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; natural resources trust fund; provide for expanded investment authority. (Sen. G. McManus Jr.)
53		797	Yes	3/12	3/15	*** #	VETERANS ; Trust fund; investment authority; expand. (Sen. V. Garcia)
54		798	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; state parks endowment fund; provide for expanded investment authority. (Sen. C. Dingell)
55		799	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; nongame fish and wildlife trust fund; expand investment authority. (Sen. A. Smith)
56		800	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; game and fish protection trust fund; expand investment authority. (Sen. L. Bennett)
57		801	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; Michigan civilian conservation corps endowment fund; expand investment authority. (Sen. D. Koivisto)
58	5404		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Allen)
59	5405		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of school districts to pay for loans from state; modify. (Rep. M. Bishop)
60	5406		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority for emergency loans for school districts; repeal. (Rep. L. DeVuyst)
61	5407		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Gilbert II)

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62	5408		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Howell)
63	5409		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Koetje)
64	5410		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. M. Middaugh)
65	5414		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. S. Thomas III)
66	5412		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. G. Van Woerkom)
67	5413		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. S. Vear)
68	5416		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. L. Lemmons III)
69	5417		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. A. Lipsey)
70	5418		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Rivet)
71	5419		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the school aid act; modify. (Rep. M. Waters)
72	5420		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of community colleges; modify. (Rep. P. Zelenko)
73	5423		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of community colleges; modify. (Rep. M. Pumford)

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74		592	Yes	3/14	3/15	03/15/02	INSURANCE; Third party administrators; requirement that third party administrators have administrative service manager; eliminate. (Sen. B. Bullard Jr.)
75		692	Yes	3/14	3/15	03/15/02	LAND USE; Farmland and open space; agricultural conservation easement or purchase of development rights; provide that entry into automatically terminates development rights agreement without lien and entitles landowner to tax credit and revise circumstances for relinquishment of farmland from development rights agreement. (Sen. B. Hammerstrom)
76	5119		Yes	3/14	3/15	03/15/02	LIQUOR; Licenses; small distillery license fee; decrease. (Rep. S. Rocca)
77	5585		Yes	3/21	3/21	03/21/02	CIVIL PROCEDURE; Civil actions; interest on judgment on a written instrument evidencing indebtedness that bears an interest rate; revise to make application of recent change prospective and provide mechanism for fixing rate when instrument bears a variable interest rate. (Rep. A. Richner)
78	5205		Yes	3/25	3/25	03/25/02	TRANSPORTATION; Carriers; number of axles allowed on certain designated highways; clarify. (Rep. J. Gilbert II)
79	4859		Yes	3/25	3/25	03/25/02	CORRECTIONS; Employees; record of controlled substance offenses that were subject to dismissal and discharge; allow to be used by department of corrections or law enforcement agencies for specified purposes. (Rep. L. Julian)
80	5434		No	3/25	3/25	**	TRADE; Other; grain dealers act; provide general amendments. (Rep. T. Meyer)
81	4860		Yes	3/25	3/25	03/25/02	NATURAL RESOURCES; Hunting; requirement for lottery to issue wild turkey hunting license; eliminate. (Rep. M. Mortimer)

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82	5026		Yes	3/25	3/26	03/26/02	WEAPONS; Firearms; transportation requirements for certain firearms ; clarify. (Rep. S. Vear)
83		884	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in vocational education acts; eliminate. (Sen. T. McCotter)
84		885	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in social welfare act; eliminate. (Sen. T. McCotter)
85		886	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general regarding commitment to certain institutions; eliminate. (Sen. T. McCotter)
86		888	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general regarding certain auction duties; eliminate. (Sen. T. McCotter)
87		890	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; act regarding Michigan dairymen's association; repeal. (Sen. T. McCotter)
88		894	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in the code of criminal procedure; eliminate. (Sen. T. McCotter)
89		895	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in the prison code; eliminate. (Sen. T. McCotter)
90		690	Yes	3/26	3/26	03/26/02	STATE; Authorities; authority to oversee the operation of certain types of airports including Detroit metropolitan Wayne county airport; create. (Sen. G. Steil)
91	5216		Yes	3/26	3/27	4/9/2002 #	ELECTIONS; Voting equipment; uniform statewide voting system; provide for under certain conditions. (Rep. B. Patterson)
92	5674		No	3/27	3/27	**	COURTS; Circuit court; certain judicial circuits and judicial districts; reform, and allow the office of district judge and probate judge to be combined in certain counties. (Rep. K. Bradstreet)

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93	5732		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State employees; early retirement for certain state employees; allow under certain circumstances. (Rep. P. DeWeese)
94	5110		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Public school employees; public pension protection and health advance funding; provide for. (Rep. S. Caul)
95	5112		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Judges; public pension protection; provide for. (Rep. A. Lipsey)
96	5113		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State police; public pension protection; provide for. (Rep. C. Brown)
97	5114		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Legislative; public pension protection; provide for. (Rep. S. Thomas III)
98	5111		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Fire and police; public pension protection; provide for. (Rep. J. Howell)
99	5109		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State employees; public pension protection; provide for. (Rep. J. Voorhees)
100	5108		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Generally; public pension protection act; enact. (Rep. J. Vander Roest)
101	5125		Yes	3/27	3/27	07/01/02	CRIMES ; Larceny; manufacture, distribution, or possession of a theft detection shielding device or of a tool designed to deactivate or remove a theft detection device; prohibit and provide penalties. (Rep. M. Bishop)
102	5126		Yes	3/27	3/27	7/1/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for a theft detection device offense; enact. (Rep. M. Bishop)
103		887	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general regarding compensation of injured peace officers; eliminate. (Sen. T. McCotter)
104		889	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general regarding protective committees; eliminate. (Sen. T. McCotter)

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105		892	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general in the insurance code of 1956; eliminate. (Sen. T. McCotter)
106		896	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general in university funds; eliminate. (Sen. T. McCotter)
107	5145		Yes	3/27	3/27	03/27/02	NATURAL RESOURCES ; Other; conservation district annual meeting; allow for change of date. (Rep. D. Mead)
108	4937		Yes	3/27	3/27	03/27/02	NATURAL RESOURCES ; Fishing; minimum age for voluntary all-species fishing license; eliminate. (Rep. S. Tabor)
109		543	Yes	3/27	3/27	07/01/02	LIENS ; Garage keepers; garage keeper's lien act; clarify certain procedures. (Sen. L. Bennett)
110		678	Yes	3/27	3/27	03/27/02	USE TAX ; Collections; motor vehicles held for resale; define price tax base. (Sen. B. Bullard Jr.)
111	5327		Yes	4/1	4/1	04/01/02	EDUCATION ; Curricula; model financial literacy programs; provide for. (Rep. M. Bishop)
112		730	Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE ; Search and seizure; search warrant affidavits; revise procedures. (Sen. S. Johnson)
113		930	Yes	3/29	4/1	4/22/2002 #	CRIMES ; Other; certain acts relating to terrorism; prohibit and provide penalties. (Sen. D. DeGrow)
114		936	Yes	3/29	4/1	5/1/2002 #	CRIMINAL PROCEDURE ; Grand jury; certain grand jury information regarding terrorism-related offenses; clarify information sharing procedures. (Sen. B. Bullard Jr.)
115		939	Yes	3/29	4/1	4/22/2002 #	CRIMES ; Other; crime of obtaining certain diagrams or descriptions of vulnerable targets with the intent to commit a terrorist act; create. (Sen. J. Schwarz)

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116		940	Yes	3/29	4/1	4/22/2002 #	CRIMES; Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include stadiums, critical transportation infrastructures, and public services providers. (Sen. W. North)
117		942	Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; use of the internet or other electronic or telecommunication system or device to disrupt critical infrastructures or governmental operations; provide penalties. (Sen. B. Hammerstrom)
118		943	Yes	3/29	4/1	05/01/02	TRANSPORTATION; Carriers; penalties for the transportation of hazardous materials without a hazardous materials endorsement; increase. (Sen. K. Sikkema)
119		948	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Statute of limitations; statute of limitations for certain crimes involving terrorism; eliminate. (Sen. M. Goschka)
120		949	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing; restitution to all governmental entities for terrorist activities; require. (Sen. L. Bennett)
121		994	Yes	3/29	4/1	04/01/02	MILITARY AFFAIRS; Other; military leaves and reemployment protection for members of the military who have been called to active service; clarify. (Sen. A. Miller Jr.)
122		995	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Sen. D. Koivisto)
123		996	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of certain threats and false reports relating to terrorism; enact. (Sen. D. Byrum)
124		997	Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; terrorism; include as predicate offense for racketeering violation. (Sen. B. Leland)

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125		1005	Yes	3/29	4/1	04/01/02	HEALTH FACILITIES; Hospitals; biohazard detection and handling plan; require each hospital to establish. (Sen. M. Scott)
126	4037		Yes	3/29	4/1	04/22/02	TRAFFIC CONTROL; Driver license; penalties for an individual who reproduces, alters, counterfeits, forges, or duplicates a license photograph; increase. (Rep. J. Faunce)
127	5041		Yes	3/29	4/1	4/22/2002 #	TRAFFIC CONTROL; Driver license; sentencing guidelines for crimes relating to forging driver licenses; enact. (Rep. J. Kooiman)
128	5270		Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE; Search and seizure; search warrant affidavits; declare to be nonpublic information. (Rep. S. Caul)
129	5295		Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE; Jurisdiction; jurisdiction for prosecution of criminal offense; clarify. (Rep. G. DeRossett)
130	5349		Yes	3/29	4/1	05/01/02	CIVIL RIGHTS; Public records; critical infrastructure; exempt from freedom of information act. (Rep. M. Shulman)
131	5495		Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; certain acts relating to terrorism; prohibit and provide penalties. (Rep. J. Howell)
132	5496		Yes	3/29	4/1	05/01/02	STATE; Planning; Michigan emergency management act; revise powers and duties. (Rep. G. Newell)
133	5501		Yes	3/29	4/1	05/01/02	MILITARY AFFAIRS; Other; procedure for granting immunity to certain military personnel ordered to respond to acts or threats of terrorism, procedure for apprehending individuals, access restrictions to real property used for military purposes, and plans for defense of state; authorize and clarify. (Rep. R. Richardville)

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134	5506		Yes	3/29	4/1	04/22/02	CRIMES ; Other; crime of using, delivering, or possessing an imitation explosive; include possession as violation. (Rep. C. Phillips)
135	5507		Yes	3/29	4/1	04/22/02	CRIMES ; Other; penalties for knowingly placing a harmful substance in food or water supply; increase. (Rep. G. Woronchak)
136	5509		Yes	3/29	4/1	4/22/2002 #	CRIMES ; Money laundering; terrorism; include in definition of "specified criminal offense". (Rep. N. Quarles)
137		946	Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Sen. W. Van Regenmorter)
138		468	Yes	4/1	4/1	04/01/02	PROPERTY ; Conveyances; certain parcels of state owned property in Genesee, Wayne, and Kalkaska counties; provide for conveyance. (Sen. J. Cherry Jr.)
139		899	Yes	4/1	4/1	04/01/02	LEGISLATURE ; Auditor general; reference to auditor general for federal roads; eliminate. (Sen. T. McCotter)
140	5511		Yes	4/1	4/1	4/22/2002 #	CRIMES ; Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include certain other structures and facilities. (Rep. L. Toy)
141	5512		Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE ; Other; compensation to victims and payment of expenses for government response for terrorism-related offenses; provide for. (Rep. G. Jacobs)
142	5513		Yes	4/1	4/1	05/01/02	CRIMINAL PROCEDURE ; Forfeiture; seizure and forfeiture of property used in connection with a terrorism-related offense; provide for. (Rep. C. LaSata)

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- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
143	5520		Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Rep. D. Bovin)
144		1105	Yes	4/1	4/1	4/1/2002 +	APPROPRIATIONS; Higher education; higher education; provide for fiscal year 2002-2003. (Sen. J. Schwarz)
145		902	Yes	4/1	4/2	04/02/02	LEGISLATURE; Auditor general; reference to auditor general in hospitals and sanatoria; eliminate. (Sen. T. McCotter)
146	5400		Yes	4/1	4/2	04/02/02	INSURANCE; Life; ability to provide excess loss insurance; provide for. (Rep. L. Julian)
147	5328		Yes	4/1	4/2	04/02/02	PROPERTY; Land contracts; definition of “real estate mortgage”; clarify. (Rep. M. Bishop)
148	5118		Yes	Unsigned	4/5	04/05/02	NATURAL RESOURCES; Gas and oil; slant drilling beneath Great Lakes; prohibit except for existing leases. (Rep. S. Shackleton)
149	5021		Yes	4/8	4/8	07/01/02	TRAFFIC CONTROL; Speed restrictions; penalties for violation of speed limit in construction zone; increase number of points added to driving record. (Rep. J. Allen)
150		811	Yes	4/8	4/8	04/08/02	TRANSPORTATION; Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. (Sen. B. Bullard Jr.)
151		812	Yes	4/8	4/8	04/08/02	TRANSPORTATION; Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. (Sen. B. Bullard Jr.)
152	5422		Yes	4/8	4/8	04/08/02	LOCAL GOVERNMENT; Bonds; bonding authority of community colleges; modify. (Rep. T. Meyer)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
153		897	Yes	4/8	4/8	04/08/02	LEGISLATURE; Auditor general; reference to auditor general regarding veterans' trust funds; eliminate. (Sen. T. McCotter)
154		898	Yes	4/8	4/8	04/08/02	LEGISLATURE; Auditor general; reference to auditor general in state board of equalization; eliminate. (Sen. T. McCotter)
155		900	Yes	4/8	4/8	04/08/02	AGRICULTURE; Other; act to reimburse for pest eradication; repeal. (Sen. T. McCotter)
156		901	Yes	4/8	4/8	04/08/02	LEGISLATURE; Auditor general; reference to auditor general for agricultural college lands; eliminate. (Sen. T. McCotter)
157		385	Yes	4/8	4/8	01/01/03	EDUCATION; Board members; requirements for nomination as a candidate for office of school board; revise. (Sen. K. Sikkema)
158		386	Yes	4/8	4/8	01/01/03	ELECTIONS; Candidates; requirements for nomination as a candidate for county commissioner; revise. (Sen. T. McCotter)
159		387	Yes	4/8	4/8	01/01/03	LIBRARIES; District; requirements for nomination as a candidate for district library board; revise. (Sen. B. Hammerstrom)
160		388	Yes	4/8	4/8	01/01/03	LIBRARIES; Other; requirements for nomination as a candidate for office of library board; revise. (Sen. B. Hammerstrom)
161		1100	Yes	4/8	4/8	04/08/02	APPROPRIATIONS; Community colleges; community and junior colleges; provide for fiscal year 2002-2003. (Sen. H. Gast)
162		397	Yes	4/8	4/8	04/08/02	STATE; Symbol; mastodon; establish as state fossil. (Sen. T. McCotter)
163	5335		Yes	4/9	4/9	04/09/02	ELECTIONS; Ballots; provisions regulating names and designations on ballots; revise and clarify. (Rep. A. Richner)
164		346	Yes	4/10	4/11	04/11/02	TORTS; Liability; definition of wrongful or negligent act against a pregnant individual; expand to include the death of the embryo or fetus. (Sen. W. Van Regenmorter)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
165		971	Yes	4/10	4/11	04/11/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the property tax act; modify. (Sen. S. Johnson)
166		973	Yes	4/10	4/11	04/11/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the property tax act; modify. (Sen. D. Byrum)
167		903	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to auditor general regarding certain universities; eliminate. (Sen. T. McCotter)
168		904	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general for certain forest roads; eliminate. (Sen. T. McCotter)
169		905	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general regarding certain education funds; eliminate. (Sen. T. McCotter)
170		906	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in Michigan agricultural college act; eliminate. (Sen. T. McCotter)
171		907	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in sanatoriums act; eliminate. (Sen. T. McCotter)
172		908	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in military bonus bonds act; eliminate. (Sen. T. McCotter)
173		909	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in veterans' military pay act; eliminate. (Sen. T. McCotter)
174		910	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in Korean veterans' pay act; eliminate. (Sen. T. McCotter)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
175		911	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in insect and pests act; eliminate. (Sen. T. McCotter)
176		912	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding bonds for certain state officers; eliminate. (Sen. T. McCotter)
177		913	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in certain state lands; eliminate. (Sen. T. McCotter)
178		915	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain school taxes; eliminate. (Sen. T. McCotter)
179		916	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain state land; eliminate. (Sen. T. McCotter)
180		918	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general for certain tax payments; eliminate. (Sen. T. McCotter)
181	5415		Yes	4/23	4/23	04/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. C. Kolb)
182	5421		Yes	4/23	4/23	04/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of community colleges; modify. (Rep. W. Kuipers)
183	5516		Yes	4/23	4/24	05/01/02	FINANCIAL INSTITUTIONS; Banks; financial institution to seize funds of terrorist organizations; require. (Rep. D. Sheltrown)
184	5517		Yes	4/23	4/24	5/1/02	FINANCIAL INSTITUTIONS; Credit unions; financial institution to seize funds of terrorist organizations; require. (Rep. M. Waters)
185	5518		Yes	4/23	4/24	5/1/02	FINANCIAL INSTITUTIONS; Savings and loan associations; financial institution to seize funds of terrorist organizations; require. (Rep. W. McConico)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
186		829	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority relating to the management of state funds; modify. (Sen. V. Garcia)
187		830	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the executive organization act of 1965; repeal. (Sen. B. Leland)
188		831	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the department of management and budget; modify. (Sen. V. Garcia)
189		832	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority for city exhibition areas; modify. (Sen. A. Smith)
190		835	Yes	4/23	4/24	04/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of tax increment finance authorities; modify. (Sen. V. Garcia)
191		1107	Yes	4/25	4/26	04/26/02	APPROPRIATIONS; School aid; school aid; adjust for fiscal year 2001-2002 and provide for fiscal year 2002-2003. (Sen. L. Stille)
192	5763		Yes	4/26	4/26	04/26/02	EMPLOYMENT SECURITY; Benefits; unemployment benefits; increase, revise calculation and payment, and include Indian tribes. (Rep. R. Richardville)
193		966	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for municipal borrowing; modify. (Sen. G. Peters)
194		967	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for borrowing for road purposes; modify. (Sen. V. Garcia)
195		968	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for bonds or notes for capital improvements; modify. (Sen. R. Emerson)
196		969	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of an employee-owned corporation revolving loan fund; repeal. (Sen. D. Byrum)
197		970	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. B. Bullard Jr.)

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198		972	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. S. Johnson)
199		974	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county improvement act; modify. (Sen. K. DeBeaussaert)
200		975	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county and regional parks; modify. (Sen. A. Sanborn)
201		976	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of home rule cities; modify. (Sen. S. Johnson)
202		978	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of blighted area rehabilitation; modify. (Sen. B. Leland)
203		979	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county zoning act; modify. (Sen. T. McCotter)
204		980	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of township zoning act; modify. (Sen. T. McCotter)
205	5182		Yes	4/26	4/29	04/29/02	OCCUPATIONS; Electricians; installation, maintenance, or servicing of certain lawn irrigation equipment and landscape lighting; exempt from license requirements. (Rep. W. Kuipers)
206	5576		Yes	4/26	4/29	05/01/02	CRIMINAL PROCEDURE; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
207	5480		Yes	4/26	4/29	04/29/02	FOOD; Other; protection of halal food; provide penalties for consumer fraud. (Rep. G. Woronchak)
208	5525		Yes	4/26	4/29	04/29/02	AGRICULTURE; Weights and measures; voluntary registration of certain persons; provide for and update standards. (Rep. G. Van Woerkom)
209	5136		Yes	4/26	4/29	04/29/02	AGRICULTURE; Plants; destruction of certain crops grown for certain purposes; provide civil damages. (Rep. T. Meyer)

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210		1032	Yes	4/26	4/29	04/29/02	CRIMES ; Other; provision relating to taunting of an individual as having been a convict or an inmate in a correctional facility or jail; repeal. (Sen. T. McCotter)
211		1027	Yes	4/26	4/29	04/29/02	ADVERTISING ; Other; provision relating to sale and distribution of publications reporting certain criminal activity; repeal. (Sen. T. McCotter)
212	5102		Yes	4/26	4/29	04/29/02	CORRECTIONS ; Other; short title for department of corrections act; provide for. (Rep. J. Faunce)
213	5623		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Tabor)
214	5625		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. G. DeRossett)
215	5626		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Ehardt)
216	5627		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. D. Mead)
217	5628		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Hummel)
218	5629		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. M. Murphy)
219	5630		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. W. McConico)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
220	5631		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. M. Waters)
221	5632		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. D. Hale)
222	5633		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Pestka)
223		842	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; Michigan tax lien sale and collateralized securities act; repeal. (Sen. B. Hammerstrom)
224		843	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under the revised judiciary act; modify. (Sen. W. Van Regenmorter)
225		844	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of federal facility development act, the federal data facility act, and corresponding income tax credit; repeal. (Sen. J. Schwarz)
226		845	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of townships; modify. (Sen. W. Van Regenmorter)
227		847	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for township water supply and sewage disposal services and facilities; modify. (Sen. B. Bullard Jr.)
228		849	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for township parks and places of recreation; modify. (Sen. B. Bullard Jr.)
229		850	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for public improvements; modify. (Sen. S. Johnson)

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230		851	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of charter townships; modify. (Sen. T. McCotter)
231		855	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of fourth class cities; modify. (Sen. W. North)
232		857	Yes	27-Apr	29-Apr	4/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of a community swimming pool authority; modify. (Sen. W. Van Regenmorter)
233		858	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of recreational authorities; modify. (Sen. S. Johnson)
234		860	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of downtown development authorities; modify. (Sen. B. Bullard Jr.)
235		861	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under local development financing act; modify. (Sen. D. Shugars)
236		862	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under resort district rehabilitation act; modify. (Sen. B. Hammerstrom)
237		864	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for state convention facility development; modify. (Sen. M. Scott)
238		865	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county departments of solid waste management; modify. (Sen. G. Peters)
239		866	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for garbage disposal plants; modify. (Sen. J. Young Jr.)

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240		867	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for city and village garbage disposal; modify. (Sen. J. Young Jr.)
241		868	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of municipal sewage and water supply systems; modify. (Sen. K. DeBeaussaert)
242		869	Yes	4/27	4/29	4/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under land reclamation and improvement authority act; modify. (Sen. M. Dunaskiss)
243		1166	Yes	4/30	4/30	4/30/02	PROPERTY TAX; State education tax; summer levy; require. (Sen. H. Gast)
244		1165	Yes	4/30	4/30	4/30/02	PROPERTY TAX; Millage; 1-time collection of a summer tax levy; provide for and amend title. (Sen. J. Schwarz)
245	5298		Yes	4/30	4/30	5/1/02	CRIMINAL PROCEDURE; Mental capacity; "guilty but mentally ill" provisions; revise to conform with insanity statute. (Rep. J. Koetje)
246	5411		Yes	4/30	4/30	5/1/02	LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. M. Mortimer)
247		1007	Yes	4/30	4/30	5/1/02	FINANCIAL INSTITUTIONS; Savings banks; financial institution to seize funds of terrorist organizations and report to attorney general; require. (Sen. G. Peters)
248	5624		Yes	4/30	4/30	04/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. L. Julian)
249	5634		Yes	4/30	4/30	04/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. I. Clark)
250		839	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT; Bonds; bonding authority of uniform budgeting and accounting act; modify. (Sen. H. Gast)

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251		882	Yes	5/1	5/1	05/01/02	INSURANCE; No-fault; automobile insurance placement facility to provide for premium surcharges for various infractions; allow. (Sen. A. Sanborn)
252		1026	Yes	5/1	5/1	05/01/02	TRANSPORTATION; Carriers; requirement for vehicles transporting gasoline, benzine, or naphtha to be painted red; eliminate. (Sen. T. McCotter)
253		1057	Yes	5/1	5/1	05/01/02	HIGHWAYS; Construction and repair; widening and altering of state trunk line highways with approval of state administrative board; repeal certain section. (Sen. T. McCotter)
254	5472		Yes	5/1	5/1	05/01/02	ECONOMIC DEVELOPMENT; Brownfield redevelopment authority; specific taxes; include neighborhood enterprise zone act. (Rep. J. Allen)
255	4507		Yes	5/1	5/1	05/01/02	SALES TAX; Exemptions; exemption from paying sales tax on certain items; clarify procedure. (Rep. L. DeVuyst)
256		837	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT; Bonds; bonding authority of local governmental units to accept financial transaction device payments; modify. (Sen. R. Emerson)
257		838	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT; Bonds; bonding authority of local units authorizing and regulating credit card transactions; modify. (Sen. V. Garcia)
258		1006	Yes	5/1	5/1	*** #	AERONAUTICS; Other; criminal background checks on applicants for flight schools; require and provide for refusal to enroll under certain circumstances. (Sen. G. Hart)

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259	5504		Yes	5/1	5/1	05/01/02	TRAFFIC CONTROL; Driver license; criminal background checks on applicants for commercial driver license; require. (Rep. R. Brown)
260		1034	Yes	5/1	5/1	05/01/02	CRIMES; Other; criminal provision relating to inciting an individual to violate a peace treaty with an Indian native or tribe; repeal. (Sen. T. McCotter)
261		1035	Yes	5/1	5/1	5/1/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of inciting an individual to violate a peace treaty with an Indian native or tribe; eliminate. (Sen. T. McCotter)
262		1037	Yes	5/1	5/1	05/01/02	CRIMES; Other; criminal provision relating to the use of bells on cutters and sleighs; repeal. (Sen. D. Koivisto)
263	5152		Yes	5/1	5/1	05/01/02	FINANCIAL INSTITUTIONS; Savings banks; conversion of a chartered savings bank to a mutual holding company; provide for. (Rep. A. Sanborn)
264	4848		Yes	5/8	5/9	05/09/02	LAW ENFORCEMENT; Other; provision regarding the appointment of unqualified undersheriff or deputy sheriff; repeal. (Rep. T. Stamas)
265	5151		Yes	5/8	5/9	01/01/03	CIVIL PROCEDURE; Civil actions; limitation on appeal bond; establish. (Rep. A. Richner)
266	5440		Yes	5/8	5/9	7/15/2002 #	CRIMES; Assaultive; assaulting, resisting, or obstructing an officer causing bodily injury, serious impairment of a body function, or death; prohibit and establish penalties. (Rep. J. Faunce)
267	5211		Yes	5/8	5/9	05/09/02	PROPERTY TAX; Personal property; electronic filing of personal property statement; allow. (Rep. S. Vear)

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- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
268		982	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of community swimming pool authority; modify. (Sen. B. Leland)
269	5441		Yes	5/8	5/9	7/15/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crimes of assaulting, resisting, or obstructing an officer seriously injuring or causing injury, serious impairment, or death; provide for. (Rep. L. Julian)
270	5442		Yes	5/8	5/9	5/9/2002 #	CRIMES; Assaultive; penalties for assaulting, beating, wounding, obstructing, or endangering an officer other than a peace officer; establish. (Rep. J. Kooiman)
271	5443		Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of assaulting, beating, wounding, obstructing, or endangering officers other than peace officers; provide for. (Rep. R. Basham)
272	5601		Yes	5/8	5/9	7/15/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of obstructing firefighter; eliminate. (Rep. M. Kowall)
273		846	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of pavements, sidewalks, and elevated structures; modify. (Sen. J. Young Jr.)
274		848	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of township and village public improvements and public services; modify. (Sen. K. DeBeaussaert)
275		852	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of county boards of commissioners; modify. (Sen. A. Smith)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
276		853	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of general law village act; modify. (Sen. W. North)
277		854	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of home rule village act; modify. (Sen. K. DeBeaussaert)
278		1045	Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of embezzlement of railroad passenger tickets; eliminate. (Sen. C. Dingell)
279		1047	Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of larceny of railroad tickets; eliminate. (Sen. C. Dingell)
280	5568		Yes	5/8	5/9	05/09/02	ECONOMIC DEVELOPMENT; Plant rehabilitation; provision to include electric generating plants; extend sunset. (Rep. N. Cassis)
281	5755		Yes	5/8	5/9	05/09/02	HIGHWAYS; Bridges; provision relating to construction of interstate bridge between Michigan and Wisconsin; repeal. (Rep. B. Patterson)
282	5752		Yes	5/8	5/9	05/09/02	VEHICLES; Equipment; provisions relating to requirement for certain equipment for certain vehicles weighing in excess of 10,000 pounds; repeal. (Rep. B. Patterson)
283	5486		Yes	5/8	5/9	05/09/02	HOUSING; Condominium; multiple amendments of the condominium act; provide for. (Rep. M. Bishop)
284		981	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of city and village zoning act; modify. (Sen. T. McCotter)
285		983	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for neighborhood area improvements; modify. (Sen. A. Smith)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
286		984	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority for permanent improvements by counties; modify. (Sen. W. North)
287		985	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority of local improvement revolving fund; modify. (Sen. A. Smith)
288		986	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority for purchase of fire fighting equipment; modify. (Sen. A. Miller Jr.)
289		988	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority of safe drinking water financial assistance act; modify. (Sen. A. Sanborn)
290		1038	Yes	5/8	5/9	05/09/02	CRIMES ; Robbery; statute relating to entering a train for robbery by means of intimidation; repeal. (Sen. C. Dingell)
291		1039	Yes	5/8	5/9	5/902	CRIMES ; Other; statute relating to forcible detention of a railroad train; repeal. (Sen. C. Dingell)
292		1040	Yes	5/8	5/9	05/09/02	CRIMES ; Robbery; statute relating to seizing a locomotive with mail or express car attached; repeal. (Sen. C. Dingell)
293		1042	Yes	5/8	5/9	05/09/02	CRIMES ; Fraud; criminal provision relating to the issuance of stocks, bonds, or corporate obligations in railroad companies; repeal. (Sen. C. Dingell)
294		1044	Yes	5/8	5/9	05/09/02	CRIMES ; Embezzlement; criminal provision relating to embezzlement of railroad passenger tickets; repeal. (Sen. C. Dingell)
295		1046	Yes	5/8	5/9	05/09/02	CRIMES ; Larceny; statute prohibiting larceny of railroad passenger ticket; repeal. (Sen. C. Dingell)
296		1048	Yes	5/8	5/9	05/09/02	CRIMES ; Counterfeiting; statute prohibiting forgery of railroad tickets; repeal. (Sen. C. Dingell)

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297		1059	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of industrial development revenue bond act of 1963; modify. (Sen. J. Emmons)
298		1060	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of city and village water supply; repeal. (Sen. B. Bullard Jr.)
299		1061	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for public markets; repeal. (Sen. B. Leland)
300		1063	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Michigan municipal distributable aid bond act; modify. (Sen. J. Emmons)
301		1065	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for community airports; modify. (Sen. B. Leland)
302		1066	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of Michigan export development act; modify. (Sen. B. Leland)
303	4057		Yes	5/10	5/10	05/10/02	HEALTH FACILITIES; Nursing homes; quality assurance assessment fee, prohibiting employment by certain health facilities of individuals with certain criminal history, and reporting of certain employer disciplinary action; provide for in certain cases. (Rep. P. Birkholz)
304		748	Yes	5/10	5/10	05/10/02	INSURANCE; Health; health maintenance organization deductibles, quality assurance assessment fee, and medicare supplement policy changes; provide for. (Sen. B. Hammerstrom)
305		685	Yes	5/11	5/13	05/13/02	HIGHWAYS; Name; portion of I-94 in Battle Creek; designate as the “94th Combat Infantry Division Memorial Highway.” (Sen. T. McCotter)
306		856	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT; Bonds; bonding authority of building authorities; modify. (Sen. J. Young Jr.)

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307		1068	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority of veterans' memorials on city lands; repeal. (Sen. J. Schwarz)
308		1069	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for police and fire protection; modify. (Sen. W. Van Regenmorter)
309		1070	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for county fairs and exhibitions; repeal. (Sen. J. Emmons)
310		1071	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for water supply and municipal lighting; repeal. (Sen. B. Bullard Jr.)
311		1072	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for village courthouse or jail; repeal. (Sen. A. Sanborn)
312		1075	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for joint public buildings; modify. (Sen. D. Shugars)
313		1081	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for sewerage disposal plants; repeal. (Sen. K. Sikkema)
314		1083	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for waterfront improvements; repeal. (Sen. B. Bullard Jr.)
315	4799		Yes	5/14	5/14	05/14/02	CITIES ; Home rule; funding for separation of storm water drainage and sanitary sewers on private property; provide for. (Rep. T. Stamas)
316		451	Yes	5/17	5/17	10/01/02	INSURANCE ; Health; timely payment of health care benefits; provide for and establish penalties for noncompliance. (Sen. B. Schuette)
317		452	Yes	5/17	5/17	10/1/2002 #	INSURANCE ; Health care corporations; timely payment of health care benefits; provide for and establish penalties for noncompliance. (Sen. B. Schuette)

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318		934	Yes	5/22	5/22	5/22/2002 #	AERONAUTICS ; Other; criminal background checks on applicants for flight schools ; require. (Sen. J. Gougeon)
319	5138		Yes	5/23	5/23	05/23/02	STATE ; Symbol; historical society; designate as the official historical society of Michigan. (Rep. T. George)
320		1043	Yes	5/23	5/23	7/15/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for crime of issuing stocks, bonds, or corporate obligations in railroad companies; eliminate. (Sen. C. Dingell)
321		1049	Yes	5/23	5/23	7/15/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for crimes of obstructing a firefighter and forging railroad tickets; eliminate. (Sen. C. Dingell)
322		1019	Yes	5/23	5/23	05/23/02	AGRICULTURE ; Other; rule-making authority regarding started pullets; repeal. (Sen. T. McCotter)
323		1025	Yes	5/23	5/23	05/23/02	FINANCIAL INSTITUTIONS ; Banks; provisions relating to the marking of ÓfakeÓ bank bills; repeal. (Sen. T. McCotter)
324	5547		Yes	5/23	5/23	05/23/02	LAW ENFORCEMENT ; State police; provision prohibiting employees of the Michigan state police from participating in political campaigns; repeal. (Rep. S. Hummel)
325	4603		Yes	5/23	5/23	05/23/02	CEMETERIES AND FUNERALS ; Burial; prepaid funeral contracts; increase cap. (Rep. S. Ehardt)
326	5822		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of base conversion authority act; modify. (Rep. B. Palmer)
327	5823		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. C. Bisbee)

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328	5836		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan transportation authorities act of 1967; modify. (Rep. J. Scranton)
329	5839		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state trunk line highway system; modify. (Rep. G. Newell)
330	5840		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority to borrow from the motor vehicle highway fund; modify. (Rep. M. Shulman)
331	5844		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for limited access highways; modify. (Rep. R. Jamnick)
332	5855		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for township and village libraries; modify. (Rep. B. Vander Veen)
333	5845		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for grade separation bonds; modify. (Rep. K. Stallworth)
334	5821		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. R. Jelinek)
335	5837		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of public transportation authority; modify. (Rep. L. Julian)
336	5838		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for highways within townships; modify. (Rep. D. Hart)
337	5841		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for mass transportation system authorities; modify. (Rep. J. Hansen)
338	5842		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for public buildings and bridges; modify. (Rep. J. Pappageorge)
339	5843		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Financing; certain references to the municipal finance act; revise. (Rep. A. Richner)

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340	5846		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority for bridge construction and maintenance; repeal. (Rep. K. Daniels)
341	5847		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority for interstate bridge near navigable stream; repeal. (Rep. D. Sheltrown)
342	5848		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of aeronautics code; modify. (Rep. D. Bovin)
343	5849		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the community mental health authority; modify. (Rep. S. Caul)
344	5851		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority for public library bonds; repeal. (Rep. P. Birkholz)
345	5852		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of district library financing act; modify. (Rep. L. Hager)
346	5854		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority for libraries under boards of education; modify. (Rep. J. Stewart)
347	5707		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in Michigan estate tax act; eliminate. (Rep. B. Patterson)
348	5708		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in collection of specific taxes; eliminate. (Rep. B. Patterson)
349	5709		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in certain drain taxes or highway assessments; eliminate. (Rep. B. Patterson)
350	5710		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in certain bonds and obligations; eliminate. (Rep. B. Patterson)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
351	5711		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in highway statute; eliminate. (Rep. B. Patterson)
352	5712		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in aeronautics statute; eliminate. (Rep. B. Patterson)
353	5713		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in drain code; eliminate. (Rep. L. Julian)
354	5714		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; agricultural fair commission act; repeal. (Rep. L. Julian)
355	5717		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in railroad land statute; eliminate. (Rep. A. Lipsey)
356	5718		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in natural resources and environmental protection act; eliminate. (Rep. A. Lipsey)
357		1077	Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of economic development corporation act; modify. (Sen. D. Shugars)
358		1084	Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of Michigan energy employment act of 1976; modify. (Sen. K. Sikkema)
359		639	Yes	5/23	5/23	05/23/02	INSURANCE ; Insurers; priority of claims distribution; modify. (Sen. B. Bullard Jr.)
360	4655		No	5/23	5/23	**	HEALTH ; Funding; priority of funding for family planning programs and services; revise procedure used by department of community health. (Rep. M. Jansen)
361	5220		Yes	5/23	5/23	05/23/02	HIGHWAYS ; Name; renaming a certain portion of business route 196; designate as "Cesar E. Chavez Way." (Rep. J. Voorhees)

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362	5611		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general regarding certain state officers; eliminate. (Rep. B. Patterson)
363	5612		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in compensation of constitutional convention delegates; eliminate. (Rep. B. Patterson)
364	5613		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general regarding impeachments; eliminate. (Rep. B. Patterson)
365	5615		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in a statute regarding deposit of bonds for certain state officers; eliminate. (Rep. B. Patterson)
366	5398		Yes	5/24	5/24	09/01/02	CRIMINAL PROCEDURE ; Defenses; defense of the voluntary consumption or ingestion of alcohol or controlled substance in all criminal cases; bar. (Rep. R. Johnson)
367	5662		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in act regarding department of treasury collections; eliminate. (Rep. B. Patterson)
368	5663		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general; eliminate. (Rep. B. Patterson)
369	5664		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general on state administrative board; eliminate. (Rep. W. Kuipers)
370	5665		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in uniform system of accounting; eliminate. (Rep. W. Kuipers)

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371	5666		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in claims to the state police; eliminate. (Rep. L. Julian)
372	5667		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in state employees' retirement act; eliminate. (Rep. L. Julian)
373	5668		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in assessment on certain improvements; eliminate. (Rep. B. Patterson)
374	5669		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in audit of county sheriffs; eliminate. (Rep. B. Patterson)
375	5670		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in home rule village act; eliminate. (Rep. G. Jacobs)
376	5671		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in fourth class city act; eliminate. (Rep. G. Jacobs)
377	5672		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in disconnection of land from cities or villages; eliminate. (Rep. A. Lipsey)
378	5673		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general receiving notice of vacancy in public offices; eliminate. (Rep. A. Lipsey)
379	5614		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in act regarding employment of clerks and assistants to the governor; eliminate. (Rep. B. Patterson)
380		1168	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Vietnam veteran era bonus act; modify. (Sen. J. Schwarz)

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381		1171	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Michigan family farm development authority; modify. (Sen. A. Smith)
382		1177	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of state building authority act; modify. (Sen. B. Bullard Jr.)
383		1179	Yes	5/28	5/28	05/28/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
384	5661		Yes	5/29	5/30	05/30/02	LEGISLATURE; Auditor general; reference to auditor general for certain expenses; eliminate. (Rep. B. Patterson)
385		1169	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of state housing development authority; modify. (Sen. A. Smith)
386		1178	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Financing; certain references to the municipal finance act; revise. (Sen. B. Bullard Jr.)
387		1180	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
388		1181	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
389		1182	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
390		776	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Other; consumer financial services act; amend to prohibit individuals who committed fraud from being licensed. (Sen. G. Steil)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
391		777	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; mortgage brokers, lenders, and servicers licensing act; provide for amendments. (Sen. G. Steil)
392		778	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; secondary mortgage act; provide for amendments. (Sen. G. Steil)
393		779	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; regulatory loan act; provide for amendments. (Sen. G. Steil)
394		780	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Checks and drafts; sale of checks act; provide for amendments. (Sen. G. Steil)
395	5850		Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of municipal health facilities corporations; modify. (Rep. C. LaSata)
396	4625		Yes	5/29	5/30	5/30/2002 #	ENVIRONMENTAL PROTECTION; Funding; general obligation bonds; authorize to finance sewage treatment works projects, storm water projects, and nonpoint source projects that improve the quality of the waters of the state. (Rep. B. Patterson)
397	5892		Yes	5/29	5/30	*** #	ENVIRONMENTAL PROTECTION; Funding; general obligation bonds; provide for issuance to finance sewage treatment works projects, stormwater projects, and nonpoint source projects, that improve the quality of the waters of the state. (Rep. T. Meyer)
398	5893		Yes	5/29	5/30	*** #	ENVIRONMENTAL PROTECTION; Funding; state water pollution control revolving fund; modify criteria for expenditures. (Rep. D. Mead)

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*** - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
399	5237		Yes	5/29	5/30	05/30/02	ELECTIONS; Political parties; ballot access; revise requirements for. (Rep. L. Drolet)
400	5454		Yes	5/29	5/30	05/30/02	TORTS; Liability; governmental liability for negligence; add volunteers to certain provisions. (Rep. M. Bishop)
401		1096	Yes	6/3	6/3	06/03/02	DISABILITIES; Travel aids used by blind persons; include walkers. (Sen. B. Hammerstrom)
402		517	Yes	6/3	6/3	06/03/02	OCCUPATIONS; Physicians; referral of patients to facilities in which a physician has a financial interest; allow under certain circumstances. (Sen. B. Hammerstrom)
403		834	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority to pool investments; modify. (Sen. B. Bullard Jr.)
404		840	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state revenue sharing act; modify. (Sen. R. Emerson)
405		863	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the emergency municipal loan act; modify. (Sen. A. Miller Jr.)
406		870	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the drain code of 1956; modify. (Sen. G. McManus Jr.)
407		977	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the county department and board of public works; modify. (Sen. K. DeBeaussaert)
408		1064	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the local government fiscal responsibility act; modify. (Sen. A. Sanborn)

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- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
409		1067	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of cities and villages owning public utilities; modify. (Sen. M. Scott)
410		1073	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan district act; modify. (Sen. A. Smith)
411		1076	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan council act; modify. (Sen. D. Shugars)
412		1078	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of port authorities; modify. (Sen. K. Sikkema)
413		1079	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of brownfield redevelopment financing act; modify. (Sen. K. Sikkema)
414		1080	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of low-level radioactive waste authorities; modify. (Sen. G. Peters)
415		1082	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority for joint water and sewage disposal; modify. (Sen. K. Sikkema)
416		1167	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority related to state indebtedness; modify. (Sen. G. Peters)
417	5899		Yes	6/5	6/5	06/05/02	VEHICLES; Registration; definition of “wood harvesting” for purposes of transportation; revise to include raw materials produced in the woods or as produced at the harvest site. (Rep. S. Shackleton)
418		989	Yes	6/5	6/5	06/05/02	ENVIRONMENTAL PROTECTION; Toxic substances; pesticide control act; provide general amendments. (Sen. G. McManus Jr.)

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*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
419		627	Yes	6/5	6/5	06/05/02	CONSTRUCTION; Equipment; technical amendments; provide for. (Sen. B. Hammerstrom)
420	5475		Yes	6/5	6/5	06/05/02	TRANSPORTATION; Railroads; maintenance of railroad grades; require written permission from both railroad and road authority to commence work and regulate the charge of certain fees. (Rep. J. Gilbert II)
421	5521		No	6/5	6/5	**	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for violations of the grain dealers act; provide for. (Rep. T. Meyer)
422		645	Yes	6/5	6/5	10/01/02	TRAFFIC CONTROL; Driver license; person making false bomb threat; include penalty prohibiting eligibility to obtain driver license until 21 years of age. (Sen. V. Garcia)
423		1009	Yes	6/5	6/5	06/05/02	OCCUPATIONS; Dental hygienists; education requirements for the administration of local anesthesia and nitrous oxide analgesia; clarify. (Sen. D. Shugars)
424	4217		Yes	6/5	6/5	06/05/02	HOUSING; Landlord and tenants; housing-with-services contract act; create. (Rep. J. Scranton)
425	5750		Yes	6/5	6/5	06/05/02	AGRICULTURE; Other; motor fuels quality act; remove certain rule-making authority of the department of agriculture. (Rep. B. Patterson)
426		1056	Yes	6/5	6/5	06/05/02	HIGHWAYS; Bridges; provision relating to construction of interstate bridge between Michigan and Wisconsin; repeal. (Sen. T. McCotter)
427	5107		Yes	6/5	6/5	06/05/02	WORKER'S COMPENSATION; Disabilities; members of a volunteer underwater diving team; include. (Rep. J. Vander Roest)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
428		891	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to auditor general regarding brine pipeline companies; eliminate. (Sen. T. McCotter)
429		893	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to auditor general in the revised judicature act of 1961; eliminate. (Sen. T. McCotter)
430		917	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain purchases of state land; eliminate. (Sen. T. McCotter)
431	5466		Yes	6/6	6/6	06/06/02	ELECTIONS; Petitions; post office box on petitions; change to zip code and eliminate time deadlines for local ballot questions for year 2002. (Rep. A. Richner)
432	6114		Yes	6/6	6/6	06/06/02	CITIES; Boards and commissions; members of the Detroit city council; revise, subject to a vote, and establish redistricting commission. (Rep. K. Daniels)
433		422	Yes	6/10	6/10	06/10/02	BUSINESSES; Business corporations; certain provisions dealing with foreign corporations, winding up operations, and dissolution for insolvency; repeal. (Sen. B. Bullard Jr.)
434	5556		Yes	6/10	6/10	06/10/02	NATURAL RESOURCES; Fishing; miles of designated trout streams ; authorize department to increase and allow children to take 1 fish. (Rep. J. Allen)
435		1172	Yes	6/10	6/10	06/10/02	LOCAL GOVERNMENT; Bonds; bonding authority of the hospital authority; modify. (Sen. G. Peters)
436		1173	Yes	6/10	6/10	06/10/02	LOCAL GOVERNMENT; Bonds; bonding authority of the hospital finance authority act; modify. (Sen. G. Peters)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
437	4874		Yes	6/10	6/11	08/01/02	CIVIL RIGHTS; Privacy; disclosure of certain information regarding students of local or intermediate school districts or public school academies; exempt from freedom of information act. (Rep. T. Stamas)
438		738	Yes	6/10	6/11	06/11/02	BUSINESSES; Business corporations; rights of foreign corporations to maintain civil actions in this state; amend. (Sen. B. Bullard Jr.)
439		112	Yes	6/12	6/13	06/13/02	LOCAL GOVERNMENT; Other; reference to “Dominion of Canada” and definition of “agency of the United States government”; revise in urban cooperation act. (Sen. B. Schuette)
440		540	Yes	6/12	6/13	06/13/02	PROPERTY; Conveyances; certain state owned land in Macomb county; convey subject to certain restrictions. (Sen. J. Gougeon)
441	4994		Yes	6/12	6/13	06/13/02	HEALTH; Occupations; procedure for issuance of health professional license for certain individuals with health professional license issued in other state or any province of Canada; provide for. (Rep. A. Hardman)
442		1278	Yes	6/14	6/14	***	SINGLE BUSINESS TAX; Other; technical amendments for foreign persons; enact. (Sen. B. Bullard Jr.)
443		1204	Yes	6/17	6/17	06/17/02	TAXATION; Other; state tax on low grade iron ore; reduce and modify. (Sen. D. Koivisto)
444		841	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; bonding authority of fiscal stabilization act; modify. (Sen. B. Bullard Jr.)
445		859	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; bonding authority of urban cooperation act; modify. (Sen. S. Johnson)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
446		987	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; bonding authority of charter water authorities; modify. (Sen. J. Young Jr.)
447		1074	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; bonding authority of port districts; modify. (Sen. B. Bullard Jr.)
448		1269	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state trunk line highway system; modify. (Sen. J. Emmons)
449		1300	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; state loans to school districts; modify. (Sen. J. Emmons)
450		1313	Yes	6/17	6/17	06/17/02	EDUCATION; Financing; definition of interest on qualified bonds for purposes of school bond loan fund; modify. (Sen. J. Emmons)
Veto	4022					03/15/02	TRAFFIC CONTROL; Speed restrictions; speed limits; allow input by townships in setting certain speed limits. (Rep. R. Jamnick)

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MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the office of regulatory reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 RULE FILINGS)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
281.1224	*	3	285.408.24	R	12	285.1319	*	6
285.351	N	4	285.408.25	R	12	285.1320	*	6
285.352	N	4	285.408.27	R	12	285.1321	*	6
285.353	N	4	285.408.29	R	12	285.1322	*	6
285.354	N	4	285.409.1	R	12	285.1323	*	6
285.355	N	4	285.808.1	*	8	285.1324	*	6
285.356	N	4	285.808.2	*	8	285.1325	*	6
285.400.1	R	12	285.814.1	*	8	285.1326	*	6
285.402.1	R	12	285.814.2	*	8	285.1327	*	6
285.404.1	R	12	285.814.3	*	8	285.1328	*	6
285.405.1	R	12	285.814.4	*	8	285.1329	*	6
285.407.1	R	12	285.814.5	*	8	285.1330	*	6
285.407.2	R	12	285.814.7	*	8	285.1331	*	6
285.407.3	R	12	285.820.1	*	8	285.1332	*	6
285.407.4	R	12	285.820.5	*	8	285.1401	*	6
285.407.5	R	12	285.820.6	*	8	285.1402	R	6
285.407.6	R	12	285.1101	*	6	285.1403	*	6
285.408.1	R	12	285.1102	*	6	285.1404	R	6
285.408.2	R	12	285.1103	*	6	285.1405	*	6
285.408.3	R	12	285.1104	*	6	285.1406	*	6
285.408.4	R	12	285.1201	*	6	285.1407	R	6
285.408.5	R	12	285.1202	*	6	285.1408	*	6
285.408.2	R	12	285.1203	*	6	285.1501	*	6
285.408.5	R	12	285.1301	*	6	285.1510a	A	6
285.408.6	R	12	285.1302	*	6	285.1502	*	6
285.408.7	R	12	285.1303	*	6	285.1503	*	6
285.408.8	R	12	285.1304	*	6	285.1504	*	6
285.408.9	R	12	285.1306	*	6	285.1505	*	6
285.408.10	R	12	285.1307	*	6	285.1506	*	6
285.408.11	R	12	285.1308	*	6	285.1507	*	6
285.408.12	R	12	285.1309	*	6	285.1508	*	6
285.408.13	R	12	285.1310	*	6	285.1509	*	6
285.408.14	R	12	285.1311	*	6	285.1510	*	6
285.408.15	R	12	285.1312	*	6	285.1511	*	6
285.408.16	R	12	285.1313	*	6	285.1512	*	6
285.408.17	R	12	285.1314	*	6	285.1513	*	6
285.408.18	R	12	285.1315	*	6	285.1514	*	6
285.408.19	R	12	285.1316	*	6	285.1515	*	6
285.408.21	R	12	285.1317	*	6	285.1516	R	6
285.408.23	R	12	285.1318	*	6	285.1517	*	6

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
285.1601	R	6	291.335	*	8	291.403	*	8
285.1602	*	6	291.336	*	8	291.404	*	8
285.1603	*	6	291.337	*	8	291.405	*	8
285.1604	*	6	291.338	*	8	291.407	A	8
285.1605	*	6	291.339	*	8	291.413	*	8
285.1606	*	6	291.341	*	8	291.422	*	8
285.1607	*	6	291.342	*	8	291.423	*	8
285.1608	R	6	291.343	*	8	291.424	A	8
285.1609	R	6	291.344	*	8	291.425	*	8
285.1701	*	6	291.345	*	8	291.426	*	8
285.1702	*	6	291.346	*	8	291.427	*	8
285.1703	*	6	291.347	*	8	291.441	*	8
285.1704	*	6	291.351	*	8	291.442	*	8
285.1705	*	6	291.352	*	8	291.443	*	8
285.1801	*	6	291.353	*	8	291.449	*	8
285.1901	*	6	291.354	*	8	291.450	*	8
285.1902	*	6	291.355	*	8	291.471	*	8
285.1903	*	6	291.356	*	8	291.472	R	8
285.1904	*	6	291.357	*	8	291.473	R	8
285.1905	*	6	291.358	*	8	291.475	R	8
285.1906	*	6	291.359	*	8	291.476	R	8
285.1907	*	6	291.360	*	8	291.478	R	8
291.301	*	8	291.363	*	8	291.479	R	8
291.303	*	8	291.365	*	8	291.480	R	8
291.304	*	8	291.375	*	8	291.491	*	8
291.311	*	8	291.377	*	8	291.492	*	8
291.312	*	8	291.378	*	8	291.493	*	8
291.313	*	8	291.379	*	8	291.494	*	8
291.314	*	8	291.381	*	8	291.495	R	8
291.315	*	8	291.391	*	8	291.496	*	8
291.316	*	8	291.392	*	8	291.497	*	8
291.317	*	8	291.393	*	8	299.641	R	12
291.318	*	8	291.394	*	8	299.642	R	12
291.319	*	8	291.395	*	8	299.643	R	12
291.321	*	8	291.397	*	8	299.644	R	12
291.322	*	8	291.398	*	8	299.645	R	12
291.331	*	8	291.399	*	8	299.646	R	12
291.332	*	8	291.400a	A	8	299.647	R	12
291.333	*	8	291.401	*	8	299.648	R	12
291.334	*	8	291.402	*	8	299.649	R	12

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
299.650	R	12	336.1107	*	10	336.1901	*	5
299.651	R	12	336.1108	*	10	336.1906	*	5
299.652	R	12	336.1113	*	10	336.1911	*	5
299.653	R	12	336.1118	*	10	336.1915	A	10
299.654	R	12	336.1120	*	10	336.1916	A	10
299.655	R	12	336.1301	*	5	336.1930	*	5
299.656	R	12	336.1303	*	5	336.1931	*	5
299.657	R	12	336.1330	*	5	336.1932	*	5
299.658	R	12	336.1331	*	5	336.2001	*	5
299.659	R	12	336.1371	*	5	336.2002	*	5
299.1027	*	12	336.1372	*	5	336.2003	*	5
325.10103	*	10	336.1374	*	5	336.2004	*	5
325.10105	*	10	336.1401	*	5	336.2005	*	5
325.10106	*	10	336.1403	*	5	336.2007	*	5
325.10107	*	10	336.1601	*	5	336.2011	*	5
325.10108	*	10	336.1602	*	5	336.2012	*	5
325.10109	*	10	336.1604	*	5	336.2013	*	5
325.10112	*	10	336.1605	*	5	336.2014	*	5
325.10116	A	10	336.1606	*	5	336.2021	*	5
325.10410	*	10	336.1607	*	5	336.2040	*	5
325.10604c	*	10	336.1608	*	5	336.2041	*	5
325.10604f	*	10	336.1610	*	5	336.2060	*	5
325.10705	*	10	336.1615	*	5	336.2101	*	5
325.10710	*	10	336.1616	*	5	336.2150	*	5
325.10710a	*	10	336.1617	*	5	336.2155	*	5
325.10710b	*	10	336.1618	*	5	336.2159	*	5
325.10710c	*	10	336.1619	*	5	336.2170	*	5
325.10710d	*	10	336.1622	*	5	336.2175	*	5
325.10716	*	10	336.1623	*	5	336.2189	*	5
325.10717b	*	10	336.1627	*	5	336.2190	*	5
325.10734	*	10	336.1628	*	5	338.1555	A	1
325.10736	R	10	336.1629	*	5	338.3101	*	7
325.10738	R	10	336.1630	*	5	338.3102	*	7
325.11506	*	10	336.1631	*	5	338.3113	*	7
325.60151	*	1	336.1651	*	5	338.3113a	*	7
325.66201	A	4	336.1701	*	5	338.3114a	*	7
325.77101	*	1	336.1702	*	5	338.3117	*	7
336.1102	*	10	336.1703	*	5	338.3119a	*	7
336.1104	*	10	336.1704	*	5	338.3120	*	7
336.1105	*	10	336.1705	*	5	338.3121a	A	7

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue Number	R Number	Action	2002 MR Issue Number	R Number	Action	2002 MR Issue Number
338.3123	*	7	339.23326	A	9	340.1724a	*	11
338.3125	*	7	339.23401	*	9	340.1724b	R	11
338.3126	A	7	339.23403	*	9	340.1724c	A	11
338.3127	*	7	339.23405	*	9	340.1724d	*	11
338.3132	*	7	340.1701	*	11	340.1725	R	11
338.3133	R	7	340.1701a	*	11	340.1725a	R	11
338.3134	R	7	340.1701b	*	11	340.1725b	R	11
338.3136	*	7	340.1701c	A	11	340.1725c	R	11
338.3138	*	7	340.1702	*	11	340.1725d	R	11
338.3139	*	7	340.1703	R	11	340.1725e	*	11
338.3141	*	7	340.1704	R	11	340.1725f	A	11
338.3143	*	7	340.1705	*	11	340.1732	*	11
338.3145	*	7	340.1706	*	11	340.1733	*	11
338.3151	*	7	340.1707	*	11	340.1734	*	11
338.3152	*	7	340.1708	*	11	340.1736	R	11
338.3153	*	7	340.1709	*	11	340.1737	R	11
338.3153a	*	7	340.1709a	A	11	340.1738	*	11
338.3154	*	7	340.1710	*	11	340.1739	*	11
338.3161	*	7	340.1711	*	11	340.1740	*	11
338.3162	*	7	340.1713	*	11	340.1741	*	11
338.3162a	*	7	340.1714	*	11	340.1742	*	11
338.3163	*	7	340.1715	*	11	340.1743	*	11
338.3167	*	7	340.1716	A	11	340.1744	*	11
338.3168	*	7	340.1721	*	11	340.1745	*	11
338.3169	*	7	340.1721a	*	11	340.1746	*	11
338.3170	*	7	340.1721b	*	11	340.1747	*	11
339.23101	*	9	340.1721c	*	11	340.1748	*	11
339.23103	*	9	340.1721d	*	11	340.1749	*	11
339.23201	*	9	340.1721e	*	11	340.1749a	*	11
339.23203	*	9	340.1722	*	11	340.1749b	*	11
339.23207	*	9	340.1722a	*	11	340.1749c	*	11
339.23301	*	9	340.1722c	R	11	340.1750	*	11
339.23303	*	9	340.1722d	R	11	340.1751	*	11
339.23307	*	9	340.1722e	*	11	340.1753	R	11
339.23309	*	9	340.1722f	R	11	340.1754	*	11
339.23311	*	9	340.1723	R	11	340.1755	*	11
339.23317	*	9	340.1723a	R	11	340.1756	*	11
339.23319	*	9	340.1723b	R	11	340.1757	*	11
339.23321	*	9	340.1723c	*	11	340.1758	*	11
339.23323	*	9	340.1724	*	11	340.1771	*	11

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340.1772	*	11	340.1832	*	11	408.11841	*	7
340.1773	R	11	340.1833	*	11	408.11843	*	7
340.1774	A	11	340.1834	R	11	408.11844	A	7
340.1781	*	11	340.1835	*	11	408.11845	*	7
340.1782	*	11	340.1836	*	11	408.11847	*	7
340.1783	*	11	340.1837	*	11	408.11851	*	7
340.1783a	A	11	340.1838	*	11	408.11852	*	7
340.1784	R	11	340.1839	*	11	408.11853	*	7
340.1785	R	11	340.1851	*	11	408.11854	A	7
340.1786	*	11	340.1852	*	11	408.11855	*	7
340.1787	*	11	340.1853	*	11	408.11857	*	7
340.1788	*	11	340.1861	*	11	408.11859	*	7
340.1790	*	11	340.1862	R	11	408.11861	*	7
340.1791	R	11	340.1863	R	11	408.11865	*	7
340.1792	*	11	340.1864	R	11	408.11871	*	7
340.1793	*	11	340.1865	R	11	408.11872	*	7
340.1793a	A	11	340.1866	R	11	408.11873	A	7
340.1794	R	11	340.1867	R	11	408.11874	A	7
340.1795	*	11	340.1868	R	11	408.11875	*	7
340.1796	*	11	340.1869	R	11	418.101002	*	1
340.1797	*	11	340.1870	R	11	418.10107	*	1
340.1798	*	11	340.1871	R	11	418.10115	*	1
340.1799	*	11	340.1872	R	11	418.10116	*	1
340.1799a	*	11	340.1873	R	11	418.10117	*	1
340.1799b	*	11	408.11801	*	7	418.10202	*	1
340.1799c	*	11	408.11803	*	7	418.10205	*	1
340.1799d	R	11	408.11804	*	7	418.10405	R	1
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340.1805	R	11	408.11822	*	7	418.10502	R	1
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340.1808	*	11	408.11825	*	7	418.10901	*	1
340.1809	*	11	408.11826	R	7	418.10904	*	1
340.1810	*	11	408.11827	A	7	418.10909	A	1
340.1811	*	11	408.11833	A	7	418.10912	*	1
340.1812	*	11	408.11835	*	7	418.10916	*	1
340.1831	*	11	408.11837	R	7	418.10918	R	1

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418.101005	A	1	423.154	A	1	423.434	R	1
421.121	*	7	423.155	A	1	423.435	R	1
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421.190	*	7	423.158	A	1	423.443	R	1
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421.204	*	7	423.162	A	1	423.445	R	1
421.216	*	7	423.163	A	1	423.446	R	1
421.210	*	7	423.164	A	1	423.447	R	1
423.101	A	1	423.165	A	1	423.448	R	1
423.102	A	1	423.166	A	1	423.449	R	1
423.103	A	1	423.167	A	1	423.450	R	1
423.104	A	1	423.171	A	1	423.451	R	1
423.105	A	1	423.172	A	1	423.452	R	1
423.121	A	1	423.173	A	1	423.453	R	1
423.122	A	1	423.174	A	1	423.454	R	1
423.123	A	1	423.175	A	1	423.455	R	1
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423.149a	A	1	423.422	R	1			
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